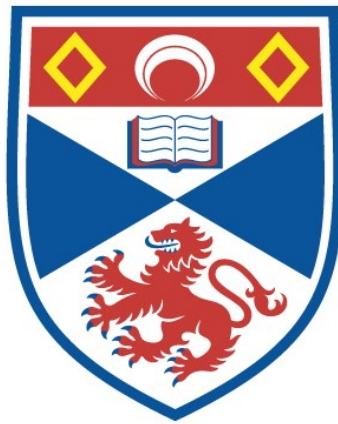


**A STUDY IN THE HISTORY OF THE DEVELOPMENT OF  
BRITISH PUBLIC OPINION ON ANGLO-AMERICAN  
RELATIONS FROM THE YEAR 1805 TO 1812**

**David Ramage Currie**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St Andrews**



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A Study in the History of the Development  
of British Public Opinion on Anglo-  
American Relations from the year  
1805 to 1812.

being a thesis presented by  
David Ramage Currie, M.A.,  
to the University of St.Andrews  
in application for the degree of Ph.D.

DECLARATION.

I hereby declare that the following thesis is based on original investigations, and that the thesis is my own composition, and that it has not previously been presented for a higher degree.

The research was carried out in St. Andrews, at the Library of the University, and in London, at the British Museum, the Public Record Office, the Offices of the West India Committee, and the Institute of Historical Research.

CERTIFICATE.

I certify that David Ramage Currie, M.A.  
has spent nine terms at Research work in  
St.Andrews and London, that he has fulfilled the conditions of Ordinance No.16  
(St.Andrews) and that he is qualified to  
submit the accompanying thesis in application for the degree of Ph.D.



### CAREER.

I matriculated in the University of St. Andrews in October, 1925, and followed a course leading to graduation in Arts (English and History) in June, 1928. Thereafter, I followed a post graduate course in History until 1930 when I secured a First Class in the Honours examinations.

In October, 1930, I commenced the research on the History of British Public Opinion on Anglo-American Relations from 1805 to 1812 which is now being submitted as a Ph.D. thesis.

I was appointed in October of 1930 to a Carnegie Research Scholarship which I held until 1933.

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## INTRODUCTION.

From the first day of their existence as an independent state the Americans were faced with a difficulty which few, if any of them, had expected to follow upon their attainment of freedom. As an independent nation they were free from the restrictions of the British colonial system, but also, they could not any longer hope to enjoy the same privileges in trade with Great Britain that they had as colonies. For a number of reasons, not the least of which was the American need for long credit,<sup>1</sup> new foreign markets were not easily acquired, and the rupture of the old economic relations with this country could not but be attended with serious loss. During the interval between 1789 and 1794 the solution to this difficulty formed one of the principal questions in Anglo-American relations. American diplomats busied themselves in an attempt to solve it in a compromise with Great Britain, while American traders never slackened their attempts to open new markets.<sup>2</sup> In 1794 Jay's treaty was /

<sup>1</sup> Bemis "Jay's Treaty", p.28. Sheffield "Observations".

<sup>2</sup> "History of Domestic and Foreign Commerce of the United States", Emery R. Johnson, I, VIll, 11, XXIll.

was successful in securing for a short time a working settlement. It has been bitterly criticised,<sup>1</sup> but, even admitting its faults, it was not entirely without benefit to the United States.<sup>2</sup>

The American mercantile activities continued to prosper during the European war, and over the period 1800 to 1805, with the exception of the peace year, they flourished.<sup>3</sup> Yet this period, from the signing of Jay's treaty to 1805, is one of the most harmonious in Anglo-American relations.<sup>4</sup> This harmony was broken by Napoleon when he launched his continental system on the world. Up till then there had naturally been jealousies between the once monopolist mother country and the expanding new United States. The Continental System changed that into feelings of bitter hostility, placing as it did in the hands of America a bargaining weapon which Jefferson had not had in 1794,<sup>5</sup> and awakening in England memories /

<sup>1</sup> Channing, v.1V, pp.136-8; 142-3.

<sup>2</sup> Guillard Hunt, Introduction to "Jay's Treaty".

<sup>3</sup> "History of Domestic and Foreign Commerce of the United States", Emery R. Johnson, table, 11, p.28.

<sup>4</sup> Channing, v.1V, p.353.

<sup>5</sup> Jefferson, in assenting to a proclamation of neutrality (1794), wished the word "neutrality" as referring to the attitude of the American government to be avoided in the hope that its omission might lead the British government to make concessions in order to make /

memories, never quite dead, of the aid which France had given America in her fight for independence. This study is intended to show the development of that feeling of hostility in Britain, and at the same time to account for it. The Continental System drew from the British government that series of measures known as the Orders in Council. American opinion both then and since has seen in these Orders measures levelled deliberately at American commerce, and has tended to see in the trade jealousies, to which reference has already been made, the motive force behind them.<sup>1</sup> Thus according to this view the Orders in Council take their place as the culminating measures in a long policy of commercial antagonism. The following pages constitute an examination of the views, opinions and interests of those in Britain most nearly concerned in the dispute between the two countries and an attempt to estimate from that in how far the American interpretation is justified.

There were questions outstanding between Great Britain and America before the issue of the Berlin /

make sure of America's conduct in the future. Jefferson, "Writings" (P.L. Ford Ed.) N.Y. 1895, v.VI. p.281.

<sup>1</sup> Morrison says Monroe believed it was a principal of English diplomacy to crush American trade. Cf. also Channing, McMaster, Updyke (Dip. of War of 1812), Linglebach (A.H.R. vol. XIX.)

Berlin Decree, but these were in process of being settled<sup>1</sup> when that enactment brought the whole question again to the fore, and the policy of commercial strangulation which followed between the two belligerents threw America's position as a neutral into high relief, and again made the question of Anglo-American relations one of public interest. On the 21st of November 1806, Napoleon issued his famous decree placing the entire British Isles under blockade. Shortly afterwards the decree was recapitulated in a proclamation by the Emperor to the senate of Hamburg, and possession taken of that city in order to enforce its terms. Plainly Napoleon aimed at a European acceptance of his prohibitive decree. On the 7th of January the British government - then the "Ministry of All the Talents" - replied with an Order in Council which forbade neutrals to trade between any two hostile ports. The probability of such a step being taken had been intimated on receipt of the Berlin Decree by Lords Holland and Auckland to the American commissioners /

<sup>1</sup> A treaty was negotiated between Lords Auckland and Holland and Messrs. Monroe and Pinckney in December 1806.

commissioners for the treaty of 1806. The British action was the subject of sharp criticism by Jefferson in October.<sup>1</sup> In November the new ministry issued two further Orders in Council, these were the famous Orders of November 11th which were to form the central point of the Anglo-American dispute for the next five years. Their effect was to place an interdict in all neutral trade with the Continent of Europe, unless that trade passed through England. On the 28th of December Napoleon issued his Milan Decree which declared fair prize any vessel which came from, or was destined to, a British port. These Orders and Decrees between them threatened seriously the prospects which had been steadily brightening for American trade and soon evoked complaints. These were directed mostly against Great Britain, although it is extremely doubtful if American shipping suffered more by the one than by the other.<sup>2</sup>

Meanwhile /

<sup>1</sup> He gave the British Orders first place among the dangers besetting the country, and characterised them as "violations of maritime rights". v. Annual Register 1807, p.764.

<sup>2</sup> From the Orders in Council of 1807 until the war of 1812 England seized 389 American ships, and from the Berlin and Milan Decrees until 1812 352 were seized by France, 70 by the Danes, and 47 by the Neapolitans. v. "History of Domestic and Foreign Commerce of the United States", E.R. Johnson, v.11, p.30.

Meanwhile the tenor of Anglo-American relations was not improved by Captain Humphrey's attack on the 'Chesapeake'. Captain Humphreys of the British ship 'Leopard' was detailed by Admiral Berkeley to recover certain English seamen who were known to have deserted. Having information that they were aboard the American ship o' war 'Chesapeake' he ordered that vessel to heave to that he might send aboard a search party. The American refused, whereupon, after a second warning, the 'Leopard' fired on her and in a few minutes she struck. The English captain took out his own men and restored the American ship to her commander.

The American government was furious, and at once made application, through their minister in London, to have Humphreys and Berkeley punished. At the same time, without waiting to see what attitude the British government would adopt, they issued a proclamation interdicting the waters of the United States to all British men o' war. In England the action of the 'Leopard' was at once disavowed and the captain tried and the admiral superseded.<sup>1</sup> In view of the great need Britain then had for experienced commanders it /

<sup>1</sup> Mahan, "Sea Power in its Relation to the War of 1812", v.1, p.167.



it was not to be expected that either would be severely punished, but both were removed from the American station, and Captain Humphreys was never reappointed to the command of a ship. Also, George Henry Rose, son of the president of the Board of Trade, was sent out to offer reparation and to disavow any claim on the part of Great Britain to search national ships of a power with whom she was on terms of peace and friendship. Before offering this, however, he was instructed to ask for a repeal of the proclamation imposing an interdict on British men o' war in American waters, as being inconsistent with a status of neutrality. This was refused by the Americans and the negotiations fell through. On the 22nd of December 1807 a general Embargo was proclaimed in America.

This was a project of Jefferson's own framing. It was based on a favourite belief of his that Britain could be brought to concede favourable terms of trade to America most easily and quickly if she were injured in her own trade. Thus, avoiding recourse to war, he sought /

1 Mahan, "Sea Power in its Relation to the War of 1812", v.1, p.167.

2 On 18th Decr. Jefferson sent a confidential message to Congress asking for an embargo; "I deem it my duty to recommend the subject to the consideration of Congress etc.". Randall "Life of Thos. Jefferson", v.3 p.242.

At the same time he forwarded a bill ready drafted by his own hand. Channing IV, p.380.

sought to give a telling answer to the Orders in Council of November 11th. Although, as will be clear in my discussion of the manufacturers, this measure had some effect in Britain it did not produce the results expected by its author, and in March of 1808 a Non-intercourse Act was substituted for it. This act prohibited trade with either of the belligerents or their dependencies.

It was at this juncture that Canning offered to America a reciprocal repeal of the prohibitive laws on certain conditions. These were, first, that the Non-intercourse was to be enforced against France, secondly, America must renounce all claim to trade with the enemy's colonies from which she was excluded in time of peace, and, thirdly, Great Britain was to help enforce the American embargo against France or powers acting under her Decrees. The British minister in America at this time was David Erskine. He had been there since 1806 when he was sent out by the "Ministry of All the Talents". He did in fact conclude a treaty with America on April 19th, 1809, in which he promised that the Orders in Council would be repealed. The British government, however, refused to ratify the Erskine treaty. Canning declared that he, Erskine, had overstepped his instructions and he was recalled. Erskine /

was successful in securing for a short time a working settlement. It has been bitterly criticised,<sup>1</sup> but, even admitting its faults, it was not entirely without benefit to the United States.<sup>2</sup>

The American mercantile activities continued to prosper during the European war, and over the period 1800 to 1805, with the exception of the peace year, they flourished.<sup>3</sup> Yet this period, from the signing of Jay's treaty to 1805, is one of the most harmonious in Anglo-American relations.<sup>4</sup> This harmony was broken by Napoleon when he launched his continental system on the world. Up till then there had naturally been jealousies between the once monopolist mother country and the expanding new United States. The Continental System changed that into feelings of bitter hostility, placing as it did in the hands of America a bargaining weapon which Jefferson had not had in 1794,<sup>5</sup> and awakening in England memories /

<sup>1</sup> Channing, v.1V, pp.136-8; 142-3.

<sup>2</sup> Guillard Hunt, Introduction to "Jay's Treaty".

<sup>3</sup> "History of Domestic and Foreign Commerce of the United States", Emery R. Johnson, table, 11, p.28.

<sup>4</sup> Channing, v.1V, p.353.

<sup>5</sup> Jefferson, in assenting to a proclamation of neutrality (1794), wished the word "neutrality" as referring to the attitude of the American government to be avoided in the hope that its omission might lead the British government to make concessions in order to make /

Erskine was succeeded by F.J. Jackson, who, however, met with no success in America. After a month of fruitless negotiation diplomatic relations were broken off by Madison on November 8th.

In the interval, the new British Orders in Council of 1809 had been issued. They revoked the obnoxious Orders of 1807, and instead of the general blockade instituted by them they narrowed down the British blockade to the coasts of France and Holland and as much of Italy as was under the immediate control of Napoleon.

On the first of May, on the expiration of the Non-intercourse Act, a power was vested in the President to renew it in certain circumstances. If either of the belligerents ceased to violate the neutral rights of America before 2nd February 1811, then the non-importation articles of the act were to be put in force against the other.

On August 5th 1810, France took advantage of this offer. France had nothing to lose by this time for she had not a ship at sea, and although unwilling to give up his beloved Continental System Napoleon was anxious to add America to the already long list of /

of Britain's foes.<sup>1</sup> So the Duc de Cadore intimated to General Armstrong, the American representative in France, that the French Decrees would not be executed on the United States after the 1st November, if, either England recalled her Orders in Council, or America caused her flag to be respected. To encourage America to take the obvious measures he actually stated that the Decrees were revoked. Madison accepted this statement, unaccompanied as it was by a legislative act, but the British government would not.

It was about this time too that another of these unfortunate actions between British and American ships took place. The British frigate 'Guerriere' had impressed a British seaman from an American vessel off Sandy Hook. When the news came to the ears of the Secretary of the Navy Department he ordered the United States /

| v. Letter of M. Champagny to General Armstrong expressing Napoleon's sympathy with the United States' claim that the flag should protect the cargo, and regretting his temporary inability to enforce this ruling. He adds "it belongs to the United States to attain this happy object by their firmness. Can a nation resolved to remain free, hesitate between certain momentary interests and the great cause of maintaining her independence, her honour, her sovereignty, and her dignity".

Annual Register, 1809.

v. also Napoleon's speech to the Legislative Body, June 16, 1811;

"America is making efforts to cause the freedom of her flag to be recognised. I will second her. "

Annual Register, 1811.

States frigate 'President' to put out in pursuit of the 'Guerriere'. A few days out the 'President' came up with a vessel which it took to be the British frigate. The American hailed her with "What ship is that?", only to be answered by a similar question. Then firing began. It is disputed who fired first. During the night the cannonade went on, and in the morning the American captain discovered that his opponent was the British sloop of war 'Little Belt'. She was almost completely disabled and had thirty two men dead or injured. The American commander then made his apologies for his mistake, tendered what help he could, and the two ships parted. The accounts of the two captains are quite contradictory, but the British government accepted the American explanation with only a passing comment on this inconsistency and no reference to the seamanship which had failed to distinguish a sloop from a frigate. At the same time A.J. Foster, the British minister who succeeded Jackson in America, closed the 'Chesapeake' affair and made reparation.

In England in the meanwhile Pinckney was trying to persuade Wellesley that the French Decrees were repealed, and that therefore, by the terms of a previous /

/ "Times", June 20, 21, Dec.7, where both accounts are printed.

previous agreement, the British Orders in Council should be. Wellesley refused to accept the evidence for repeal of the French Decrees and the negotiations broke down. Pinckney left England in February. On the 21st of April, 1812, the Prince Regent issued a formal declaration on the subject of the Orders in Council in which the British government stated its willingness to accede to the American demand, but refused to accept the French statement that their decrees were repealed. The Orders were finally repealed on the 23rd of June, but on the 1st of June Madison had recommended to Congress declaration of war and on June 18th the measure passed both houses.

In attempting to state and to assess the influence of British public opinion on the relations between this country and the United States of America as detailed above, I have in the first place made a general survey of public opinion, of its nature and of the forces which constitute it at various times, of its effectiveness and mode of expression in the legislature and of its particular constituents in this period. From this certain divisions or groupings emerge.

First /

First there are those people who were directly interested financially in the West Indies, The proximity of the West India Islands to the United States, and the important position held by the West India trade in British mercantile activities, are obvious reasons why this should be so. Furthermore this was a trade in which the United States always had sought, with varying success, to possess a share.<sup>1</sup> In dealing with this group I have taken the Committee of West India Planters and Merchants as officially representing the West India interests in Britain during the period 1805-12. What unofficial activities I have been able to trace, I have given and attempted to explain. It should, however, be borne in mind that much of this sort of activity would have its loci in coffee houses and taverns and the offices of private firms and would take a verbal form of which there can be no record.

Secondly there are the merchants interested in the direct trade to the United States. In searching for details of these men I came upon a Committee of American Merchants. This body was known to have existed /

1. v. Ragatz, "Fall of the Planter Class", pp.297, 300.



existed in 1783 but thereafter seems to have been lost trace of.<sup>1</sup> I have examined the proceedings of this Committee and shown how very soon it proclaimed itself not to be representative of the direct trader to the United States, and how because of this a disruption took place in its ranks. I have tried to show who were the active members in the quarrel, and why the quarrel arose.

Third there are the manufacturers. I use the term generally, for, as the evidence I adduce will, I hope, show opposition to the Orders in Council was general in the manufacturing districts of Scotland and England. America was a large new market almost entirely devoid of the means to satisfy her own wants in anything but food and almost everything that was made in Great Britain could find a market there. Consequently, when a crisis in Anglo-American relations threatened to destroy that market concern was felt in all the manufacturing districts, but no representative body seems to have been formed. Where the distress was most keenly felt, and why, I have attempted to show.

A /

THE CONSTITUENTS OF PUBLIC OPINION.

1. Of the Nature of Public Opinion and of the forces that constitute it at various times.

Peel writing to John Wilson Croker described public opinion as "that great compound of folly, weakness, prejudice, wrong feeling, obstinacy, and newspaper paragraphs".<sup>1</sup> But when he himself broke with the Old Tory party in whose principles he had been reared and in 1846 took the revolutionary decision to repeal the Corn Laws, as when he issued his famous Tamworth Manifesto, he showed that in practical politics at least he held a different view, for he did these things in the strength of his belief that a very large body of the public would receive his action with favour. He could be sure that what he did was in harmony with the expressed opinion of a large body of the nation. So also in 1832 the first Reform Bill must be taken as acknowledgement by the legislature that /

1. "Peel", Thursfield, p.19.

that some measure of Parliamentary reform was desired by a section of the people, and by a section so large, and so powerful, that to disregard its wishes any longer would be dangerous. We are accustomed to regard these measures as evidence of the effect of Public Opinion as expressed in legislative acts.<sup>1</sup> The effects of public opinion may, however, betray themselves in the absence of laws. For instance, there are not yet in this country laws for the regulation of marriage in the interests of the growth and quality of population although eugenics is a frequently discussed and often approved science. The anticipated hostility of public opinion to such measures is sufficient to keep them off the statute book. Similarly it was not until 1829 that the Catholic Emancipation Bill was passed, although for years many of the restrictions had been virtually dead, and there had been no positive indication of public opinion on these matters since the Gordon Riots.<sup>2</sup>

In all of these instances it would be ridiculous to say that there was no opinion of a contrary nature. The hesitation shown by Peel in reaching his final decision, the long delay in the passing of the 1832 reforms /

<sup>1</sup>. Dicey, "Law and Opinion".

<sup>2</sup>. Do. do. pp. 11, 28.

reforms, the publication of literature on Eugenics and its consideration by the medical association, the activity of O'Connell and the support he received are all evidence of this. And at once the question arises, are both of these opinions entitled to the name of "public", or only the majority opinion, the one which triumphs? If we accept the latter ruling then we must agree with Dicey;

"And here the obvious conclusion suggests itself that the public opinion which governs a country is the opinion of the sovereign whether the sovereign be a monarch, an aristocracy, or the mass of the people".<sup>1</sup>

And in such a case the study of public opinion could be justly resolved into the study of the opinion of the ruler pro tempore. But it is not difficult to envisage a case where the difference between the forces of "pros" and "cons" could be numerically represented as  $47\frac{1}{2}\%$  and  $52\frac{1}{2}\%$  respectively. One would hesitate to deny the attribute 'public' to that body of opinion which amounts to  $47\frac{1}{2}\%$  of the total. On any given issue it would seem that any opinion which is /

1. Dicey, "Law and Opinion", p.10.

is common to a body sufficiently large or sufficiently powerful to have an influence on the government must be public opinion.

In all four cases cited above the issue is one affecting the whole life of a people - bread, the franchise in a democratic state, the family as an institution, the state religion. Consequently, on such topics interest tends to be wide spread and opinions tend to be held strongly and to fall more or less clearly into two well defined groups; for and against. But in matters of smaller moment this is not so, and especially is this true of matters taking place outside of the country, of foreign transactions generally.

Of the forces which constitute public opinion there are of necessity a great variety, differing according to the question at issue, but if one may cite a prevailing force surely it is custom. Barker points out how man develops politically by reasoning on experience and consequently experience dictates what he shall constitutionalise.<sup>1.</sup> Against a background of experience and custom each new contingency is measured. /

1. Barker, "Political Thought of Plato and Aristotle".

measured. Thus the tyranny of King John measured against the prevailing feudal customs led to the first statement of the rule of law in Magna Charta. Similarly, the accession of William III. provided an opportunity for a tabulated opinion of how he should rule. Both documents illustrate very clearly the force of custom. This custom may be enshrined in law, in ordinary every day usage, and in a more subtle way in the memory of some historic event. It may, and often does, include those things which Peel enumerated "weakness, prejudice, wrong feeling, obstinacy". Religious beliefs must also be included as a constituent of public opinion. A brief glance at Scottish history will show how religious beliefs have permeated every walk of life. Even the economic outlook of the Middle Ages which one would have expected to show least signs of religious influence, had its doctrine of the 'justum pretium', and frowned upon usury. Religious beliefs contributed to keep the Stewarts from the throne, and to delay the passing of Catholic Emancipation. Economic self interest is yet another constituent. The solicitude of Great Britain for her maritime system in the XVIIIth century, it is fair to presume, would not have been so great had the system not been profitable. Lastly, and /

and this is of importance especially where foreign nations are concerned, there is the powerful and subtle influence of nationalism.

Every now and again there arises a man or body of men who by their writings or teaching are responsible for an awakening of interest in a topic or for a new or different aspect of approach. Such men are Marsiglio of Padua, James I, Hobbes, Rousseau, and Bentham. Often they have given the character to the political or religious thought of an age, and the periods of their greatest influence have been found convenient for purposes of demarcation. Thus in the period from 1760 to 1928 three main currents of public opinion are traceable. From 1760 to 1830 is a period when Old Toryism was the prevailing force. From 1825 to 1870 is the period usually assigned to Benthamism, and from 1865 onwards the prevailing opinion was Collectivism.<sup>1</sup> This study falls within the period of Old Toryism, the chief characteristics of which were dislike of change, a tendency to solve problems by the simple expedient of reconciling, often forcefully, the new with the old which was regarded as intrinsically good, and the preservation of /

<sup>1</sup>. Dicey, "Law and Opinion", ch. 1V. pp. 62-69.

of the status quo.\* It was out of sympathy with the French Revolution, with Rousseau, and with any doctrine of natural rights - a compound of aggressive optimism and fear of the French Revolution and all that it implied.<sup>1.</sup>

Of its effectiveness and mode of expression  
in the legislature.

"There are", says Dicey, "to be found three different reasons why we cannot assert of all countries, or of any country at all times, that laws are there the result of public opinion. No 'opinion' in the proper sense of that word with regard to the change of the law may exist; the opinion which does direct the development of the law may not be "public opinion"; and lastly there may be lacking any legislative organ adapted for carrying out the changes of the law demanded by public opinion".<sup>2.</sup> To restrict one's attention therefore to legislative acts in the quest for evidence of the effectiveness of public opinion would be to restrict the field. The effectiveness of public opinion might, for a time at least, proceed no further /

1. Dicey, "Law and Opinion", ch. V, pp. 70-84.

2. Do.                      do.                      p. 9.



further than public meetings, forming of Committees or Associations, or the outbreak of riots.<sup>1</sup> These are likely to be the results where indeed the third state of affairs - the absence of any machinery of representation - exists. Where, however, that machinery does exist, these events, though they may represent stages in the effectiveness of public opinion, are not likely to be the last stages. These are to be found in the legislature.

In the legislature public opinion is expressed in debate, for each member thereof is a representative, and in the laws passed for the law makers look for their ultimate sanction to the governed. In an ideal democracy the strength of any opinion in the country could be quickly and accurately gauged by counting its representatives in the legislature and computing what proportion these were of the whole. Unfortunately for this examination the England of 1805-12 was not an ideal democracy. Even that a member should in any way represent his constituents was not a generally accepted rule, and the anomalies of the franchise are too well known to need stressing.<sup>2</sup>

Moreover /

1. Halévy, "History of the English People in 1815", p. 131 et seq.

2. Halévy, pp. 96-140; Porritt "Unreformed House of Commons"; Oldfield, "Representative History".

Moreover division lists are not to be obtained in sufficient numbers or regularity.

Secondly, the legislature was in some measure a former of public opinion. By repressive measures at all times governments have sought to prevent the spread of opinions hostile to their own,<sup>1</sup> and, although government control has never been successfully practised in Great Britain, many of the leading newspapers at this time were in very close alliance with one or other of the two great political parties and could be used by them for political purposes.<sup>2</sup>/

1. Fox Bourne, "English Newspapers", chs. 11, VI, VIII.

2. "The Sun" for a long time enjoyed a reputation for this. It was founded by George Rose with the aid of Pitt to push their views on foreign policy. Rose was at the Board of Trade in 1807 (v. Fox Bourne, vol.1, p. 288). "The Courier" was also a government paper, the editor at this time, Peter Street, being very much under the control of the Treasury (v. Canning to Huskisson, Ad.MSS. 38737 f. 412). "The Morning Chronicle" was much indebted for copy to the Whig leaders (v. Aspinall "Brougham and the Whig Party" appendix). Even "The Times" was open to hints from those in high places (v. Thomas Grenville to Lord Grenville Dec.28, 1809, in Hist.MSS. Comm. Fortescue IX) and obliged ministers from time to time (v. Croker Papers v.11, pp. 25, 26). c.f. also Woodward, "War and Peace in Europe", p. 173, who recognises the strong influence of party allegiance but denies government control. The dividing line is sometimes very narrow, especially when the party enjoys a good majority and a long term of office as was the case with the Tories at this time. The difficulty is further increased by the fact that our most important sources are themselves newspapers or newspaper men.

purposes. Some of the ablest members of the legislature itself were also prominent formers of opinion in that they were pamphleteers or contributors to newspapers.<sup>1</sup>

From outside public opinion was brought to the notice of the legislature by instruction to members, by petitions, by pamphlets, by public meetings and by newspapers. Though the pamphlet and the newspaper had the same double quality as the legislature, namely, that of being at once a means of expressing and of forming public opinion. What share any pamphlet or newspaper article had in forming opinion it is now impossible to say. In the case of a pamphlet the number and size of the editions - where these can be traced - give some indication, but at best it is no more. In the case of the newspaper not even this is possible, for the ordinary newspaper contained anything from ten to an hundred topics of which the article in question was but one. Yet, on the other hand, one may take it that an editor would not voice an /

<sup>1</sup>. Baring and Brougham and Lord Holland contributed to the "Morning Chronicle" (v. letter of Brougham to Allen of Holland House, quoted by Aspinall). Baring's "Six Letters of A.B." appeared first in the "Morning Chronicle". Both Brougham and Baring were pamphleteers. Other writers of pamphlets who were M.P.s were Marryatt, Stephen, Rose, Young, and Petty.

an opinion which he knew did not meet with some measure of approval from his readers. Thus if we find a paper which catered expressly for shipping and mercantile men giving prominence to one subject and omitting another, we may take it that the one is a subject of interest to such men and the other is not. Or if we find it showing an interest in any particular member of parliament, we may take it that his opinions and theirs tend to coincide. Thus when "The Public Ledger" takes little notice of American affairs before 1806 we can conclude that its public, which was commercial, was not greatly interested, and when we find it reporting votes of thanks to Sir Charles Price and others we are to some extent entitled to regard him as representing the views of such a public.<sup>1</sup> When we find newspapers generally, and Tory newspapers in particular, making bitter comment on Franco-American relations, we may take it that their reading public resented American friendship with France, and were suspicious of it,<sup>2</sup> and therefore that when Canning expressed similar dislike and suspicion he had a backing of public opinion.<sup>3</sup>

Of /

<sup>1</sup> v. post, p. 102.      <sup>2</sup> v. post, pp. 120-138.  
<sup>3</sup> v. post, pp. 180-181.

Of particular constituents of public  
opinion in this period.

In 1805 there was not observable the close relationship that there is to-day between the public and the legislature. Yet the representative idea was even then making headway; the manufacturers of Birmingham passed a vote of censure on Sir Charles Mordaunt for his lack of interest in the debates on the Orders in Council.<sup>1</sup> Petitions from towns and burghs were generally entrusted to the local or county member who was expected to speak in their favour.

The press was not so free as now, and this was to some extent a limiting factor in the expression of public opinion. Criticism of the government, even after Fox's act, might very easily be construed as seditious libel.<sup>2</sup> On the other hand, newspapers were not so prone to be actuated simply by commercial motives as they have since become.<sup>3</sup> The pamphlet still /

1. Wakefield, "Life of Thomas Attwood".

2. c.f. Halévy, p.142.

3. v. Bryce, "Modern Democracies", p.110, "Till past the middle of the last century ..... it was, an organ and leader of public opinion that the paper stood out to the world".

still remained a useful and important vehicle of expression, but it was usually anonymous. This is particularly true of pamphlets dealing with commercial matters. These trade pamphlets were still quite numerous in the first decade of the XIXth century.<sup>1</sup> Moreover, apart from the restraint imposed upon the press by law the newspapers of this period were much more indebted to ministers and members of parliament for their articles than they are now. So that it is very difficult to say when a paragraph represents an opinion passed from the public via the newspaper to the legislature, or an opinion coming the other way from the legislature to the public. Even the pamphlet is open to this criticism, but here and there it is possible to pin down a pamphlet to a particular source. The Minutes of the Committee of West India Planters and Merchants, for instance, occasionally contain notices of this type of literature, but it was not till much later that this became a recognised function of the Committee.<sup>2</sup> I have used fully only those /

<sup>1</sup> v. Ragatz, "Fall of the Planter Class etc." chs. VI, VII, X, where much use is made of trade pamphlets.

<sup>2</sup> The "Literary Committee" for protecting the West India interests through the press was constituted by the Standing Committee of West India Planters and Merchants on June 5, 1823. v. Ragatz "Fall of the Planter Class" p. 477.

those pamphlets which I have been able so to isolate. Others are noted in the bibliography. Yet as some compensation for this drawback we have sometimes in the case of a newspaper a fairly well defined public. Price acted as a general limiting factor, education as another. Only the relatively well to do could afford to buy newspapers costing sevenpence or more, and the numbers of the illiterate were much larger than now. The early nineteenth century newspaper was therefore only in a very limited sense popular. It was not until 1816 that Cobbett's Political Register, for instance, came within reach of the average working man.<sup>1</sup> Less clearly marked limits were then even as now provided by political creeds, thus for example "The Times" may be regarded as a leading Tory paper, though not an extremist. It was likely to be read by the country gentry, and, on the assumption that a newspaper catering for a particular public will not express opinions contrary to what it knows to be the prevailing opinion of that public, nor omit topics which are of interest to it, certain deductions can be drawn from an examination of the reading /

1. Until then he charged 1/- $\frac{1}{2}$ d. for each number.

reading matter.

"The Times" immediately prior to 1805, and indeed during the whole of that year, contains very little matter concerning America. Here and there occur items of financial news,<sup>1</sup> which is very natural, for the material and commercial development of Britain in the last twenty five years had increased the number of manufacturers and business men wanting reliable information on such matters. During 1805 and 1806, indeed, no prominence was given to American news in "The Times", and the items which do occur show by their selection a fair and open mind on the part of the newspaper staff. Although it had a correspondent at Washington<sup>2</sup> there is nothing analagous to the now familiar "from our special - or our American - correspondent". American news indeed was taken verbatim from American newspapers brought to Falmouth at /

1. v. "Times" Jan. 12, 1805, where a list of U.S. banks is printed with a statement of their capital. v. also June 22, notice of half-yearly payment of dividend on American Bank Stock.

2. v. "Times", Jan. 9, 1805.



at intervals of twenty eight days or more.<sup>1</sup> These papers were often useful sources of information as to the movements of shipping in West India waters and this was a principal use made of them by "The Times".<sup>2</sup>

The war in Europe, together with home politics constituted a dominating interest. In 1807, however, the Chesapeake incident provided "The Times" with American matter for four successive days,<sup>3</sup> and thereafter the items of news tend to increase. Occasionally letters appeared, all betokening an increasing interest in America. By 1810 reports of resolutions and debates in Congress were given with a degree of fulness, sometimes occupying as many as four and a half columns as compared with a half in 1805 /

1. v. "Times", Jan. 30, July 25, 1806.

2. v. "Times", West India news passim; c.f. also use made of American papers as illustrated in "Times" of June 1, 1805, "A formal contradiction of the loss of His Majesty's ship 'Vanguard' in the gulph of Florida signed by her commander Captain Evans has been inserted in the American journals".

3. v. "Times", Aug. 1, 2, 3, 4, 5, 1807.

1805 or 1806. "The Times" did not often accompany these with comment, and in the early years not at all. Leader writing indeed was still in its infancy and was restricted very largely to home and European happenings.<sup>1</sup> But by 1811, although it continued to reserve its judgment to some extent, "The Times" was making more frequent comment. Moreover, a subtle change is to be noticed in the matter selected. Until a late date "The Times" was not disposed to regard war as likely.

"The Morning Chronicle", which may be regarded as the leading Whig newspaper, showed a more sustained interest in Anglo-American relations. Its news was culled from the same sources but comment was freer and more frequent. It contained the same financial news. What is true of "The Times" for 1805, however, is also true of "The Morning Chronicle"; there was little American matter. But as with "The Times" so with it American news increased both in volume and importance after the Chesapeake incident in 1807.<sup>2</sup> It was, moreover, to be expected that "The Morning Chronicle", as the leading opposition newspaper /

1. c.f. Halévy, p. 145.

2. v. "Morning Chronicle", Aug. 1, 6, 7, 10, 1807.

newspaper, should attack the Orders in Council of November of that year,<sup>1</sup> and that it should continue to do so until their repeal. The line of argument adopted was generally that of commercial expediency and marched closely with the opinions of the opposition members in the House of Commons.<sup>2</sup> Both "The Times" and "The Morning Chronicle" discussed the place of French influence on the course of Anglo-American relations, with what differences we shall endeavour to show. They had many points in common, not least their moderation. "The Times" had, if anything, the larger circulation,<sup>3</sup> and was reputed to have the best foreign news. / <sup>4</sup>.

1. v. "Morning Chronicle", Nov. 17, 19, 1807.

2. v. Do. Feb. 22, 1808; Jan. 18, 1809;  
Dec. 19, 1810.

3. Joseph Farington gives the figures for the two papers in 1798 as "The Times" - 3,200, "The Morning Chronicle" - 2,800. v. Diary vol 1, p.228. In 1814 the figures for "The Times" had not altered much; Fox-Bourne (vol.1, p.357) puts them between three and four thous: and. That was of course before the introduction of the Koenig process, which soon doubled the circulation. "The Morning Chronicle" sales in 1819 were nearly 4,000. Encyc. Brit. on "Newspapers".

4. John Walter kept a light cutter running backwards and forwards during the first war with France in order surreptitiously to obtain from local fishermen French newspapers which were contraband in England.

Fox-Bourne, vol.1, p.268.

On November 9, 1806, Farington, with reference to "The Times" wrote,

"that paper is now allowed to have the best foreign intelligence". Diary 1V., 44.

news. Both newspapers were well on the way to fulfilling the function described by a recent writer on the subject as "intermediary between the small governing class and the widening circle of educated opinion which had lost touch since the eighteenth century with the ruling oligarchy".<sup>1</sup>

The two great reviews, the "Edinburgh" and the "Quarterly", must also be regarded as important constituents of public opinion. They follow the same general lines of division as the two great papers, the "Edinburgh" being Whig, the "Quarterly" Tory in sympathy. What is true of the two papers is also true of the "Edinburgh Review": there was no serious discussion of American matters until the spring of 1806.<sup>2</sup> /

1. Woodward, "War and Peace in Europe 1815-70", p.174.

2. A review appeared in no. XLV of Parkinson's "Tour in America". The "Edinburgh" agrees with the practical object of that book which was to undeceive people who saw in America a new Eldorado. In no. XV. pp.1-35 appeared a review of "War in Disguise". It neither approved or disapproved entirely of Stephen's argument, and while it could not accept the legality of the rule of war 1756, admitted "The facts and cases detailed by the author - have satisfied us completely that a great part of the produce exported from those settlements is truly the property of the enemy and is carried to market under a false neutral name on their account. This property is therefore a fair object of hostility;" It is noticeable, however, that the pamphlet is not regarded by the "Edinburgh" as having a purely American application nor is its discussion of it influenced by any major consideration of Anglo-American relations.

1806. The "Quarterly" of course was not started till 1809. Indeed it was not until after that date that the "Edinburgh" became the peculiar organ of the Whigs. Till then Tory and Whig alike contributed. In 1808 its circulation was 9,000 copies. "No cultured family could pretend to do without it .....".<sup>1</sup> The articles contained in it on the Orders in Council and the Neutral question came from the pen of Brougham and are discussed in a subsequent section.<sup>2</sup> It followed "The Morning Chronicle" in its views, which is not unnatural seeing that Brougham was a powerful influence in both. The "Quarterly", on the other hand, without being extreme, approved of the conduct of the government.<sup>3</sup> It was slightly more interested in the structure of American /

1.v. Aspinall, "Brougham and the Whig Party", p.47. The quotation is from Sir Walter Scott.

2.v. "Edinburgh Review", nos. XXI, XXII, XXXVlll, Aspinall, "Brougham and the Whig Party".

3.v. "Quarterly", vol. 7, pp. 1-34. This article is directed chiefly against Madison and Jefferson who are both regarded as pro-French. c.f. the contemporary "State of Parties" - bibliographical note.

American society than the "Edinburgh", but in dis: :approval of that society, its lack of culture and its extreme democratic character, both reviews were on common ground.<sup>1</sup> So far as America as such is concerned these reviews differ very little, but the Orders in Council as the measures of a Tory administration were naturally attacked by the "Edinburgh Review".

More extreme opinion on the Tory side is contained in "The Courier" and in "The Sun". "The Daily Advertiser and Oracle" represents at times the more hysterical aspect of "The Morning Chronicle's" fears for the effects of the Orders in Council.<sup>2</sup> As for provincial papers they were dependent on London. William Jerdan, one of the most versatile of early newspaper men, and for some time editor of "The Sun", says /

1. v. "Quarterly", vol. 11, review of "American Annals"; "Quarterly" vol. X; "Edinburgh" no. XLVII, p. 243 et seq.

2. v. "Daily Advertiser and Oracle", July 27, 1807, reporting the Chesapeake-Leopard incident, did so under the caption "Deplorable Hostilities with America" and further remarked "America is provoked to war in order that our navy may make more prizes. It is this pestilent cupidity which will sooner or later ruin us as a nation."

says that it was easier to edit a provincial paper from a London office than to go down to the town or district where the sheet was actually published.<sup>1</sup> Moreover foreign news in them was generally curtailed. The newspapers of the manufacturing areas showed an interest in the Orders in Council towards the end of the struggle, when their effects began to be felt. "The Edinburgh Advertiser", not serving any particular commercial public may be taken as an example of a typical provincial newspaper. It differed in no way from the leading papers of the party to which it owed allegiance - except in the vehemence of its statements.

Papers which were specially conducted for a particular interest, class papers generally, had usually a short life and were of little importance in so far as their effect on the government was concerned. /

1. "It was better and more congenial employment to edit provincial newspapers in London, which, absurd as it may seem at first sight, is just as effective as if the writer resided at the place of publication; for the political intelligence had to come from town to be handled in the country and it was quite as easy and expeditious to have the news and the commentaries sent down together. I edited "The Sheffield Mercury" for a number of years and at other times a Birmingham, a Staffordshire Potteries, and an Irish journal, and others in various parts of the country".

Autobiography of Wm. Jerdan, 1, p.110.

concerned. They were moreover as a rule very restricted in their interests but here and there one finds an exception. They afford an indication of the matters which interested their publics. Thus, "The Public Ledger", catering for a commercial public, and, next to "Lloyds List" the most prominent shipping paper,<sup>1</sup> does not betray any special interest in American matters before the American Intercourse Bill of 1806.<sup>2</sup>

At this time it was customary for mercantile associations, companies, committees and the like to "advertise" meetings in the leading newspapers. These "advertisements" were inserted by the committee in question, signed by the secretary or chairman and therefore must be regarded as authentic historical documents.<sup>3</sup> /

1. v. Fox-Bourne, v.1, p.286.

2.v. post pp. 98 et seq.

3.v. "The Times", Feb. 14, 18; March 12, 18, 25; June 4, 14, 19, 1805; April 28, 1807; Aug. 25, March 9, 1808.

v. "The Morning Chronicle", May 5, June 14, 1806; Jan. 17, 21, April 28, 1807; May 27, 1809; March 15, 19, July 12, 1810; June 14, July 17, Oct. 17, Dec.3, 1811; Feb. 8, 1812.

v. "Public Ledger", Feb. 11, Aug. 1, 1805; April 10, June 26, Oct. 25, 1806; Jan. 10, March 14, May 1, 18, July 3, 17, 1807; March 7, 12, May 12, July 29, Oct. 11, 12, 1808; May 13, 1809; April 23, June 19, 1811; May 8, 1812.



documents. Sometimes these are duplicated in the private minute books of a committee, but this is not always so, and in cases where private minute books cannot be traced they furnish the most reliable evidence of the existence and activities of such a committee. The appearance of these advertisements, moreover, cannot in all cases be regarded as indications of the nature of the public served by the newspaper, for instance the Committee of West India Merchants and Planters used both "The Times" and "The Morning Chronicle" for this purpose, but the American Committee used principally "The Chronicle", and the Shipowners "The Public Ledger". Moreover public meetings were reported in a similar fashion - but with much less frequency.<sup>1</sup>

The right to petition Parliament was generally recognised and frequently used. Notices of these petitions are of course to be found in the records and histories of Parliament, but occasionally the newspaper or a local history provides supplementary knowledge of the public meeting in which the petition took form.<sup>2</sup> /

1. v. "Morning Chronicle", Jan 19, 1808; June 23, 1812.

2. v. "Morning Chronicle", March 10, 11, 1808; "Staffordshire Gazette", Jan. 18, 1812; "Liverpool Mercury", Jan. 28, April 10, 1812; "Staffordshire Advertiser", Jan. 11, 1812; "Gloucester Journal", April 20, 1812.

took form. Success in the search for information as to the signatories is largely a matter of chance. But in the case of petitions with a commercial content - and most of these relating to American affairs had - the Board of Trade In-letters sometimes show the original complete with signatures. Thus the origin of some of the petitions can be established.

Memoirs and letters, of course, constitute the expressions of private opinion. These sources are very meagre for such men as Marryatt, Prinsepp, Glennie, Mann, Lefevre and countless others, merchants and bankers and shipowners who are the signatories of most of the petitions. For ministers, their attention from 1804 to 1812 was concentrated on the conduct of the war. British commercial policy, in so far as it rose above mere ad hoc regulations, was subjected to this dominating aim. To take only one realm of commercial administration for instance, the colonial, the colonies were neglected, they were left to fend for themselves, colonial dispatches went unanswered and the complaints of governors unheeded. It was not indeed until the administration of Lord Bathurst that the Colonial Office became a recognised department of state.<sup>1</sup>/

<sup>1</sup> v. Manning "British Colonial Government after the American Revolution" (Yale Hist. Pub.) pp. 475-6; 483. c.f. Ragatz "Fall of the Planter Class", p.302 et seq.

state. On the other hand, although they had received no fresh statement since 1784, the underlying principles of commercial policy were still those of the navigation laws,<sup>2</sup> and beyond them ministers do not seem /

2. In 1784 (first edition 1783) Lord Sheffield published "Observations on the Commerce of the American States" in which he made a plea for maintaining the Navigation Laws inviolate. In 1795 Rt. Hon. George Rose wrote a pamphlet, "A Brief Examination into the Increase of the Revenue, Commerce and Navigation of Great Britain" in which the success of Britain's stand against Napoleon was attributed first to the colonial system and navigation laws, and second to the English constitution. This pamphlet went through several editions and was republished in 1806. I have not been able to find a copy of this 1806 edition, nor is it listed in the British Museum, but Atcheson uses it (v. Atcheson "Encroachments" LXV.). In the interval (1804) Sheffield had published his "Strictures on the Necessity of Inviolably Maintaining the Navigation and Colonial System of Great Britain". In 1804 an "Answer to Lord Sheffield" was written by S. Cock, Commercial and Public Agent to the Corporation of Liverpool. The copy of Cock's pamphlet consulted was that which had once belonged to the Rt. Hon. George Rose and it contains MSS. notes on the text. These are chiefly contradictions of facts but one comment is significant;

"If we were in all wars to allow neutral ships to be carriers in competition with our own ships generally the infallible consequence would be nearly an annihilation of British ships from the almost incalculable advantages that foreigners would have from building cheaper, lower wages, cheaper lading and lower insurance etc. etc. "

"A Vindication of the Principles and Statements advanced in the Strictures of the Rt. Hon. Lord Sheffield" appeared in 1806. In 1809 Sheffield repeated his arguments of 1784 in his "Orders in Council and the American Embargo Beneficial to the Political and Commercial Interests of Great Britain. "

seem to have felt any need to justify or to defend the Orders in Council, while the attack seems to have been left to Auckland, Grenville and Brougham.<sup>1</sup>

Lastly, what constituted public opinion for the legislature? Naturally all that has gone before, the tone of the press, of public meetings, of petitions, the views of private members, but just as Peel, while he was aware of the heterogeneous and conflicting elements in public opinion, at the same time recognised in it a certain prevailing character, so legislatures /

<sup>1</sup>. This conclusion seems to follow upon the examination of the memoirs and diaries listed on pages 201-204, and is substantiated by examination of the following MSS. -

Lord Auckland Ad.MSS. 38237, 38243, (correspondence with the second Earl of Liverpool). 34457, 34459, 34460, (miscellaneous private correspondence from 1806 to 1814). 29475 (letters from 1768 to 1811) and 37308, 37309.

Castlereagh besides the printed correspondence, Ad. MSS. 38566, 38191 (correspondence with first and second Earls of Liverpool).

Canning Ad.MSS. 38193, 38311, 38568 (correspondence with the first Earl of Liverpool), 38243, 38247, 38248 (correspondence with the second Earl), 37844, (correspondence with Windham), 37296 (correspondence with R. Sharp), 38736, 38737, 38738, (correspondence with Huskisson).

Hawkesbury Ad.MSS. 38236 (correspondence with first Earl of Liverpool 1802-07), 38473, 38568, 38193, 38243, 38247, 38248, 38736, 38737, (various correspondence including many private letters from 1801 to 1812).

Many other volumes of the Liverpool, the Huskisson, the Hardwicke, the Wellesley, the Windham papers have also been searched wherever the indexes have given any hint that relevant matter might occur. The /

legislatures have been wont to consider their actions in the light of the opinion of those sections of the people which they have regarded as important. Lord Auckland who was appointed along with Lord Holland to treat with Pinckney and Monroe, wrote to Grenville on the subject of Anglo-American relations -

"Lord Holland was very frank and intelligent on the subject of our American enterprise, but seems to think it far easier than I believe it will prove; and not to be sufficiently aware of the expediency of carrying with us, as far as may be practicable, the concurrence and good opinion of the mercantile and shipping interests, the manufacturers, the North American Committee, the East India Company, the West India people ..... " "

Auckland /

The names, also, of signatories to petitions such as Marryatt, Mann, Glennie, Sansom, Rucker, Buckle, Prinsepp and others have been taken and a systematic search made through the various British Museum Indexes to MSS. Of the vast majority of these there is no mention at all. The correspondence of Daniel Stuart the journalist (Ad.MSS. 34,046) has also been examined.

1. Auckland to Grenville, Aug. 21, 1806, Hist.MSS. Comm. Fortescue Vlll1.

Auckland thus recognised, as apparently Holland's facile intelligence did not, the existence of a public opinion on Anglo-American affairs, and the importance of conciliating it; and, at the same time, he analysed it into units to which we shall have to pay constant attention.

## THE WEST INDIANS.

In view of the proximity of the West India Islands to the United States, the opinions of those British subjects interested in the trade of the islands at once assumes a place of first importance in a study such as this. To say precisely who were the West Indians in the England of 1805 is a task which could only be satisfactorily accomplished in a separate thesis, and is quite beyond the limits of this work. The planter class had to a large extent decayed. Ab: :senteeism was, however, still fairly prevalent and there were still in England a number of "county" and "noble" families whose wealth and standing were to be traced, through one channel or the other, to the plantations of Jamaica or Trinidad.<sup>1</sup> However, it is not with these that I have concerned myself, but rather with the men whose /

<sup>1</sup> Cf. Wm. Beckford, Sir Mordecai Lopez, Rt. Hon. Chas. Abbot, J.F. Barham, Hon. Bart. Bouverie, etc. (v. Biographical Lists of Parliament, Obituaries of Annual Register, Gentleman's Magazine, etc. etc.).

whose interest in the West Indies was still active. These I have found in the gentlemen who formed the Committee of West India Merchants and Planters. This Committee, as its name implies, was composed of merchants trading to and from the West Indies, planters, and, at this time also, the agents of the various islands. Their proceedings, as contained in the Minutes of the Committee of West India Merchants and Planters 1804-1827, and in the Minutes of the Standing Committee of West India Merchants and Planters 1805 to 1822, represent the official views and opinions of the active West Indians in the England of 1805.<sup>1</sup> These books contain the minutes of what seems to have been a General Committee, and of the Standing Committee - two distinct assemblies though they had many members in common. These committees were in their origins different bodies, and, to some extent, represented different interests, the General Committee tending to represent the West India merchant, and the Standing Committee the planter.<sup>2</sup> But this difference had long since been forgotten and, as the membership of the two committees was very similar they may be taken at /

<sup>1</sup> These documents are in possession of the West India Committee, 14 Trinity Square, London, E.C.

<sup>2</sup> Lilian Penson. E.H.R.XXXVL.



at this date or represent different phases of the same body; the difference existing in their functions. Thus, whereas the one was general and consultative, the other tended to be more particular and executive. There were also West India associations in several of the out-ports such as Leith, Glasgwo, and Liverpool, but they were all parts of the organisation of which this Com: mittee was the head. They were kept informed of its proceedings and they frequently sent representatives to its meetings.'

Sugar was the staple product of the West India Islands. On it both planter and merchant depended. For some years previous to this a change had been stealing over the production of sugar. Production was, im fact, gradually exceeding the demand with the result that until an equilibrium should be reached both the planter and the merchant stood to lose. Matters were not improved for the West Indians by Pitt's war-time policy which not only encouraged the capture of enemy colonies but im: mediately admitted them to full rights with the older British possessions. Thus new and vigorous sugar pro: ducing colonies were brought into competition with the older ones, already hard hit. When to this was added the ease with which the American, as a neutral, could dispose /

dispose of surplus sugars not under British restrictions the plight of the British West Indians became more and more hopeless. It was here, at this point, then, that Anglo-American relations impinged upon their interest. But there was yet one further point. The West India Islands received much of their supplies from the United States and the West Indian in Britain did not want to endanger those supplies by directing his anger against the American shipper.

Thus, an examination of the proceedings of the Committee of West India Merchants and Planters as contained in the volume of minutes dated September, 1804, to July, 1827, betrays no animosity towards America over the whole period from 1805 to 1812. Indeed, in view of the bearing of American neutrality upon their commerce, as indicated above, the interest shown by this Committee is surprisingly slight. "War in Disguise" - generally regarded as a principal statement of British mercantile opinion on the neutral question - went unnoticed by them. This omission is significant, for the Committee of West India Merchants and Planters never failed to take notice of events or publications which tended /

1 Cf. Channing, Morrison, Updyke, Mowat, etc.

tended to serve the interests of their trade or advance its prosperity.<sup>1</sup> During the whole course of the year 1805 - the year of publication of this pamphlet - there was not a single mention of America. Indeed over the whole period from the year 1805 to the outbreak of war between Great Britain and America in 1812, this volume of the minutes of the Committee of West India Merchants and Planters showed no evidence of any special interest in America and no jealousy of her advantage as a neutral. Most of the business was concerned with convoys<sup>2</sup> and the discussions and resolutions were more remarkable for their general bearing than any particular application.

The second volume of minutes, that from 1805 to 1822, contains the proceedings of the Standing Committee of West India Merchants and Planters, whose duty if we may judge from the evidence of the Minutes was to deal more immediately with specific items of complaint. The Standing /

<sup>1</sup> At a meeting on August 23rd. 1805, special thanks were voted to Nelson for his care of the West India islands - a reference to the occasion when he followed Villeneuve to the Indies. Similarly on May 22nd. thanks had been voted to General Prevost for his services in the Indies and a present made of plate to the value of three hundred guineas. v. Minutes.

<sup>2</sup> v. Minutes for 1809, 1810.

Standing Committee met until the 26th of November, 1805, at the Marine Society's Offices, but thereafter at offices of their own in City Chambers, Bishopsgate.<sup>1</sup> In the course of their proceedings one can trace more clearly and with fuller detail the story of their trade. Sugar was the chief subject of discussion at their meetings. For some time, even before 1805, complaints were frequent and protests to the government were common against port dues, the sampling of sugars, the relaxation of the navigation laws in favour of captured colonies, the small encouragement in the home market to sugar producers, the low prices obtained for their produce and their inability to continue to meet expenses unless something were done to help them. Most of their own suggestions for help aimed at the creation of an artificial equilibrium by increasing the consumption of sugars at home and by granting bounties on export; and to restrict supply by re-establishing those provisions of the Navigation Acts whose suspension had led to the inclusion of foreign colonies in the colonial system.<sup>2</sup> Thus in the Spring of 1806 at a meeting of the Standing Committee a memorial to the Chancellor of the Exchequer was read to the /

<sup>1</sup> v. Minutes.

<sup>2</sup> v. Ragatz "Decay of the Planter Class", Lowe, and Sir Wm. Young.

the effect that the Committee saw with sorrow the departure in several instances connected with the West India trade from the principle of these laws. It mentioned three particular instances, the second alone of which concerns the subject in hand, for in the comment made upon it by the Committee occurs the first mention of America. This second item of complaint then was,

" (2) Those acts and provisions which have at one time invariably and at others provisionally withdrawn a part or the whole of the drawbacks and bounties on British colony sugar exported."

and on this head the Memorialists remarked,

" - although the acts themselves no longer exist (they) are yet fatally felt by your Memorialists since it was these acts that gave a decided and powerful impulse to the cultivation of foreign colonies and established by means of the American shipping the intercourse of those colonies with certain ports in Europe which used chiefly to lean on Great Britain for their supply of sugar. That channel once opened has been continued under circumstances more or less favourable and new and unlooked for competitors have thus been raised up to us and established in the continental markets."

The /

The "conditions more or less favourable" referred to here were simply the advantages which the American shipper enjoyed as a neutral, and which can be chiefly explained in this that the neutral flag, providing a certain immunity from the hazards of war, made high insurance premiums unnecessary and by so much the freight charges of the American marine were less than those of British shipowners.<sup>1</sup> The evils of the "continuous voyage" have been much stressed and Sir William Scott's decisions cited as steps in the history of British mercantile jealousy of the United States.<sup>2</sup> Here, then, was an excellent opportunity for a statement on that subject by the West India Committee, for the principle of the "continuous voyage" was not unrelated to the "conditions more or less favourable" referred to by them. Yet it is worthy of notice, not only that this constitutes the first mention of American shipping but also that its position as a competitor in the sugar market was neither given a place of first importance nor was it accompanied by any expressions of resentment or dislike. Here was a plain statement of fact that American /

<sup>1</sup> v. Marryatt, "Concessions to America".

<sup>2</sup> Channing.

American ships carried sugar to European ports and that, as neutrals, they enjoyed "conditions more or less favourable".

The West India trade was in a depressed condition at this time and the causes of that depression and the remedies formed the principal topic at all their meetings.<sup>1</sup> How far America entered into these discussions prior to the meeting of April 1806 I have tried to show. It was practically not at all. Nearly a year elapsed before this subject was raised again. It was at a meeting held in February of 1807. It seems, from the proceedings at this meeting, that in a finance bill introduced in January or February it was proposed to continue the duties on sugar. The Standing Committee, viewing this with alarm, and, stimulated no doubt by the steadily increasing depression in their trade which called rather for a remission of duties, passed a series of resolutions against it in which there occurred this reference to the competition of neutrals,

"Resolved,

That the impediments to which the access to foreign markets is now unfortunately subjected together with the influx of importation into this market /

<sup>1</sup> Minutes passim, contemporary publications etc.

"market from the conquered colonies and the footing upon which the neutral intercourse with the enemies' colonies is at present placed - all of them highly disadvantageous to the old British colonies and arising from causes with which they are altogether unconnected form the ground of a demand the justice of which must forcibly strike the attention of His Majesty's Ministers. "

Here, then, the competition of the American trader was elevated to the position of being a contributory cause of the depression in the West India trade, for although the term used in the resolution is "neutral" yet the context shows clearly enough that it was America that was meant. The "footing" upon which the neutral commerce was placed is sufficiently explained by a resolution passed only a week later. It shows in what way the neutral was affecting the West India trade.

"Resolved,

That meantime our home markets are loaded not only with the surplus (usually exported) of the produce of our old colonies but with the produce of all those which the fortune of war has thrown into our possession, and ..... the inducement which /



"which might exist for an exception in favour of colonial produce from the rigour of our general exclusion from the European trade ..... is taken away by the facility and security with which under the neutral flag the whole colonial produce of the enemy is conveyed to its natural home or to the most advantageous markets. "

This was a considerable advance on the last mention in April of 1806. The reason is not far to seek. In the interval Napoleon had issued his Berlin Decree which closed all the ports of the Continent under his command to British ships, and so incidentally struck a blow at the export of sugar and other colonial produce from this country. The West India Committee knew very well that on the Continent the force of habit and ordinary necessity would in normal circumstances operate to defeat Napoleon's aim but they also recognised that in "the facility and security" with which French colonial produce was carried to France and ports under her control by neutrals they had a factor to reckon with, which, unless attended to, would hamper the working of this natural process and, by securing success to Napoleon's scheme, augment the difficulties which faced the trade in its attempt to reach an equilibrium between supply and demand.

Thus /

Thus, the complaint which the West Indians had against the United States was, that in her capacity as a neutral she carried on trade between the enemy and the enemy's colonies, and this, they believed she had no legal right to do. In other words the West Indians approved of the principle of the rule of the War of 1756. It was, therefore, resolved at a meeting held on the 15th of October,

"That if export be still looked to for relief not only great encouragements of bounty must be given as stimulations, but the adoption of a new system in respect of the carrying trade of neutrals to and from the enemies' colonies must open to us a fair access to the foreign market. "

and

"That measures ..... which would tend to the relief of the trade and which do not require legislative sanction are the blockade of the principal ports of the colonies of the enemy. " !

Here, then, was a plain statement by the Committee of West India Merchants and Planters of what they considered to be the remedy for this item in the list of causes /

! Minutes of Standing Committee, 15th October, 1807.

causes for their trade depression. It was a policy which found favour with Huskisson<sup>1</sup> - probably the most enlightened economist of his time. Moreover it was strictly legal and could not have been fairly objected to by the United States. It would thus have met the whole demand of the West Indians on neutral traffic; for it would have removed the hindrance to the natural working out of the process of demand on the Continent which would have made Napoleon's decrees a dead letter, it would have secured for the West Indians all they sought "a fair access to the foreign market", and it would not have alienated the friendship of America.

Some pages earlier I made reference to a reason which the West Indians had for continuing on friendly terms with the United States. The West India Islands were in the habit of drawing most of their supplies from this quarter, and the attitude of the Committee of West India Merchants and Planters on this subject is the next thing to be considered. Until the passing of the American Intercourse Bill the usual practice was for the governors of the islands to grant by an order in council permission for certain supplies to be imported from the United /

<sup>1</sup> Add Ms. 38737 ff. 221-236. "I do not know whether the state of our relations with America will admit of any other obstruction being thrown in the way of neutral trade /

United States. This was strictly speaking against the law under which the islands were governed but the governor's action was regularly reconciled to the law by an act of indemnity. To make it lawful at all times to import such supplies and to eliminate the need for an act of indemnity was the main provision of the American Inter-course Bill. It was opposed by the Society of Shipowners for the reason that to encourage the importation of goods from the United States would injure those shipowners and merchants sending supplies from this country and Ireland, and that, since the importation would be in American vessels, this act could only result in bringing about the ruin of plantation shipping.<sup>1</sup> From the evidence there is of consultations with, and of donations to the Society of Shipowners it seems fair to postulate a certain community of interest between them and the Committee of West /

"trade with the enemies' colonies than such as may arise out of a blockade of Martinique Guadalupe and the Havannah, but to this whether it could be made completely effectual or not I hope it will be practicable to resort; ..... when our enemies resort to such unwarranted expedients to interrupt and distress our trade we ought not to be deterred from the attempt."

<sup>1</sup> Meetings of Society of Shipowners, 19th June, 1806, 31st July, 1806.

West India Merchants and Planters.<sup>1</sup> On this subject of the American Intercourse, however, their interests were as diverse as could be, and they refused to discuss it. At a meeting held on the 21st February, 1807, it was expressly stated that the Committee appointed to confer with the Society of Shipowners on matters of interest to the West India trade might take into their consideration any subject "except the American Intercourse".<sup>2</sup> If further proof be needed that the West Indians were careful not to prejudice themselves in this direction it is to be had in the concern which they betrayed for the safety of their islands when Anglo-American relations became strained and the Embargo was imposed by Jefferson. At a meeting held on May 11th, 1808, it was resolved,

"That as the West India colonies have been hitherto largely /

<sup>1</sup> At a general meeting of the Committee of West India Merchants and Planters held July, 14th, 1807, an extract from the Minutes of the Committee of Shipowners was read. This extract was a notice of the appointment by the Shipowners of a sub-committee to wait upon and confer with the West India Committee. It was resolved by the latter "That the Treasurer be authorised and requested to pay the sum of £200 to the Society of Shipowners of Great Britain to be applied in aid of the expenses they have incurred as far as respects the West India Interest."

Minutes July, 14th, 1807.

Similarly in September 1808, the Treasurer was authorised to pay £100 to the Society of Shipowners. Minutes Sept.

15th, 1808.

A somewhat similar entry occurs in Dec. of 1811. Minutes Decr. 6th, 1811.

<sup>2</sup> v. Minutes of Standing Committee 21st Feb. 1807.

"largely supplied with corn and provisions from the United States of America this Committee are deeply impressed with the necessity of suggesting some precautionary measures for the purpose of obtaining their necessary supplies of those articles by some other means. They therefore beg leave to submit to the consideration of His Majesty's government whether in point of prudence it may not be necessary that the supply of corn at present allowed by law under the control of the Privy Council should not be enlarged so as to meet the probable wants of the West India colonies in the event of an American war or of the continuance of the present embargo in that country."

Taking all this into consideration it is not surprising to find that the Orders in Council of November 1807 met with no word of welcome from the Committee of West India Merchants and Planters. These Orders plainly did not serve the West India interest. It was not one of their objects to keep enemy colonial sugar out of the market in order to help increase the consumption of British, but rather to attempt to control all channels of supply so that all the profits of the market should go /

go to the controller,<sup>1</sup> irrespective of what effects that policy might have upon the original producers. Lord Auckland writing to Lord Grenville about this time said of these measures,

"The West Indians will like it at first view but it will accumulate in this country a great glut of foreign sugars which must ultimately find a market."<sup>2</sup>

But the Committee of West India Merchants and Planters never did like it even at the first view. They were as keen sighted as Auckland to foresee the consequences - consequences which must react to the prejudice of the planter and their trade. It was on the strength of these convictions, therefore, that the Standing Committee passed on December 9th, 1807, a resolution in condemnation of the November Orders in Council.

"Resolved,

That the Committee are decidedly of opinion on mature consideration of the tendency of the Orders in Council of the 11th ultimo that these measures are calculated to relieve to a certain degree the foreign colonies from the pressure of war /

/ v. Heckscher "Continental System" p. 209.

<sup>2</sup> Auckland to Grenville, Nov. 7th, 1807. Fortescue LX.

"war and to open to them new channels of supply and of vent for their produce which will establish a most injurious competition with the British planter."<sup>1</sup>

Thus, in reviewing the opinion of the official West India body on Anglo-American relations as these affected the West India trade, the following points emerge. Firstly, the competition of the American neutral trader did not assume a place of first importance in the list of causes for depression in the West India trade. Its injurious effects were duly recognised but they formed only one item in a list of causes, and even then, in particular circumstances; "if export be still looked to for relief."<sup>2</sup> Complaint, moreover, was restricted to the activity of the neutral in one sphere only; in the carriage of enemy colonial produce, and the remedy suggested was never claimed to be the panacea for all the ills of the West India trade. On the contrary it was never more than an auxiliary to the principal scheme, the creation of an artificial equilibrium between demand and supply by the use of sugars in the breweries and distilleries, the use of rum in the army, the reform of port /

<sup>1</sup> Minutes of Standing Committee, Decr. 9th, 1807.

<sup>2</sup> Cf. previous mention, Minutes of Standing Committee Oct. 15th, 1807.



port dues and customs and a stricter application of the navigation laws in respect of newer possessions.' Second: :ly, what restrictive measures were proposed were not only strictly legal, but were not suggested until after Napoleon's Berlin Decrees. Prior to these measures there was no hint of jealousy or animosity of any kind on the part of the West Indians towards America and it is therefore not necessary to look any further than these French measures for the cause of what restrictions the West Indians sought. Thirdly, the West Indians had a very good reason why they should not make an enemy of America, and lastly they did ~~not~~ approve of the Orders in Council - the chief bone of contention between Great Britain and the United States.

But there were others interested in the West India trade who held different opinions. They saw in the American /

( A petition to Parliament appears in the Minutes, Feb. 26th, 1807, in which this order is strictly observed. It was accompanied by a rider from the Standing Committee Febry. 17th 1807, which makes it clear that the object of the petition was to persuade parliament to help "by adopting and enforcing new channels of consumption."

American neutral the real cause of all their woes and did not hesitate to blame a government which they thought had treated America with too little severity. The most outstanding of them was Joseph Marryatt.

In the summer of 1807 Marryatt published a pamphlet entitled "Concessions to America the Bane of Britain". The argument was, briefly, from the distressed state of trade to a stern policy towards America as the principal cause of the distress, and the "Concessions" consisted in the failure, so far, to impose such a policy. In the course of the pamphlet he recited with reference to the West Indies all the ills already met with in the proceedings of the Committee of West India Merchants and Planters, but similarity ceased there, for whereas the Committee, as shown, gave no undue emphasis to the competition of the Americans, Marryatt soon showed a strong dislike for them and his indictment lay against the whole neutral carrying trade. /

1 "Times" July 21st. 1807. Melvin, "Napoleon's Navigation System" cites this as anonymous. It was published anonymously but was well known by his contemporaries to be Marryatt's and Rich ("Bib. Americana") cites it as his. Brougham also knew it to be Marryatt's (Edin. Rev. v. XXI p. 5) "by its minute coincidence in several of the details with the evidence of Mr. Marryatt before the West India Committee appears clearly to be the production of that gentleman". He also wrote under the name of "Mercator" in Mr. Redhead Yorke's Weekly Political Review.

2 "Concessions" pp. 1-12.

trade. Brougham had written a pamphlet on the "State of the Country" and in it had sought to demonstrate how a neutral carrier could be of advantage to a nation, situated as Great Britain was, by carrying British merchandise to countries from which British ships were excluded. He had, therefore, advocated a tolerant attitude to neutrals. This provided Marryatt with a butt and on the principle that the neutral's gain was Britain's loss he proceeded to advocate a policy which was little short of complete exclusion from European trade.

He was definitely hostile to America and sought to raise the patriotic zeal of his readers by reading into her actions and arguments a secret sympathy with France. Thus, in discussing the rule of the War of 1756, he made it a principal argument that the usage upon which that rule was based, namely, the restriction to all but home vessels to trade with colonies, was a fundamental part of the French economic system. He cited the twelfth article of Letters Patent concerning French Colonial Trade, issued in 1717, the "Declaration du Roi" of 14 Mars 1722 and other documents to prove that this was the practice before 1801 when it was in abeyance. When the French /

French colonies were captured by Britain this rule was waived, but after the peace of Amiens when they were returned, the Act of 10 Floreal an 10 (16th May 1802) renewed the old regulations in all their force. Thus, for Napoleon to deny the validity of the rule of the War of 1756, was to deny the validity of a principle which had guided French policy for nearly a hundred years. Marryatt argued that the colonial system as known in Great Britain was not only accepted but practiced by France and that, as a usage condoned "ad hoc" could not be admitted to in: validate a rule based on precedent, the French disavowal of the Rule of the War of 1756 was illegal and a mere trick of expediency.<sup>1</sup> It followed therefore that all who admitted the French usage condoned this illegality and put themselves in the position of aiding and abetting Napoleon's duplicity. He cited examples from his own experience to show that the Americans were the chief offenders in this direction.<sup>2</sup> With reference, furthermore, to the complaints made by America whenever a British cruiser took a prize or in other ways sought to assert British rights, Marryatt asked in the same vein,

"Can we so soon have forgotten that for four years together /

1 "Concessions" p. 27 et seq., also pp. 38 and 39.

2 Do. passim, and appendix A.

"together during the late war France captured and condemned American vessels together with their cargoes and that no such quick spirit of resentment was manifested towards France for this long continued series of outrages as was shown towards Great Britain for asserting her just rights."<sup>1</sup>

In 1794 Jay's Treaty had contained a clause on the West India trade to which the United States Senate took exception and which was subsequently deleted by the British government. It amounted to a total prohibition, so far as America was concerned, from participation on her account in any West India trade whatsoever.<sup>2</sup> The strict application of this clause according to Marryatt was the remedy for the evil state of the West India trade, and all other commercial undertakings connected therewith,<sup>3</sup> such for instance as ship-building. A strict enforcement of the clause would have results, ironically termed "mischiefs" by the author, whose enumeration of which leaves no doubt as to his principal intent.

"In enumerating these mischiefs the annihilation not only of the commerce contended for but of every other /

<sup>1</sup> Concessions, p.33.

<sup>2</sup> Article XI. Bemis, "Jay's Treaty" pp. 250 & 331, also E.R. Johnson "American Commerce".

<sup>3</sup> Concessions, p.41.

"other branch of her extensive commerce may be first stated. The distress of her landholders whose tobacco, rice, indigo, cotton, grain, lumber and produce of all kinds would be rendered of little or no value by the impossibility of sending them to foreign markets. The privation or advance in price of every article of necessity or comfort which she now imports from other countries. The loss of more than nine-tenths of her revenue which is derived from duties on her imports, and the consequent necessity of raising new and increased revenue from a people deprived of their accustomed resources. And, lastly, the intestine divisions which would in all probability arise between the northern and the southern states, the inhabitants of which already have no great cordiality for each other ..... divisions which might probably hasten that separation between them which in the nature of things may soon be expected to take place. "

Thus it can be seen that Marryatt's indictment lay against the whole of American commercial enterprise. Throughout his pamphlet, there is a quite perceptible tendency to emphasise the marketing side of the /

the question,<sup>1</sup> and his general argument makes it clear that in the complete elimination of all competitors from the foreign market was to be found the only remedy for the depressed state of the West India trade and of British commerce generally. Thus in estimating the advantages which would accrue to Britain from a policy of exclusion - a policy which would not shrink even from war, he wrote,

"The first advantage that Great Britain would derive is the monopoly of the European market for the produce of her colonies, and the laying all the nations with whom she is at war under contribution for the purchase of those commodities. " <sup>2</sup>

Although Marryatt was a member of the Committee of West India Planters and Merchants this pamphlet did not meet with the approval of that body. The Committee was very careful to take notice of any pamphlet bearing on their trade which met with their approval,<sup>3</sup> and their failure to mention Marryatt's work seems to justify the conclusion that this did not represent their opinions.

More /

<sup>1</sup> Cf. appendix A, and text passim.

<sup>2</sup> Concessions, p.47.

<sup>3</sup> At a meeting of the West India Merchants held March 14 1805, it was resolved "that the thanks of the meeting be given to Gibbes Walker Jordan, Esq. agent for the island of Barbadoes for his able and judicious publication and for his zealous assistance on the subject of the necessary intercourse between the West India islands and the United States of America."

More especially is this so when we find another pamphlet, published very shortly after this, the subject of special mention. This was "An Inquiry into the State of the British West Indies". It was published in October and was the work of Joseph Lowe. On the 15th of that month at a meeting of the Standing Committee of West India Merchants and Planters it was resolved,

"That the Secretary be directed to secure four hundred copies of Mr. Lowe's pamphlet and to present him with the sum of £100 for them."

Therefore, Lowe's pamphlet assumes a position of importance in contrast with Marryatt's, for, whereas the one was ignored, the other was definitely sponsored by the Committee of West India Merchants and Planters.<sup>1</sup>

The argument was divided into three parts. The first dealt with the importance of the West Indies, the second with the distress in the West India trade, and the third with the remedy.<sup>2</sup> The first section contained all the accepted arguments of the time, such as, that the islands offered a good market for home manufactures, that /

<sup>1</sup> £100 represents more than a purchase price. The pamphlet was sold at four shillings. Thus Lowe received a "bonus" of £20 - probably more, for trade terms would almost certainly be less than four shillings per copy.

Minutes of Standing Committee, 15th Oct. 1807.

<sup>2</sup> "Inquiry" - partitioned as Ch. 1; Chs. 2 & 3; Chs. 4 & 5.



that the traffic to and from them gave employment to a large number of ships and seamen and finally that they could be regarded as a national source of wealth as opposed to other places which were foreign and subject to change and fluctuation.<sup>1</sup>

The second part of the main argument dealt with the distressed state of the West India trade. Like the Committee of West India Merchants and Planters, Lowe found the explanation of this distress in the progressive depreciation of sugar and the oppressive operation of duties and restrictions. While he admitted the exceptionally advantageous position of the neutral American trader to be in some measure a contributory cause yet he did not regard it as either the original or the chief. He kept it strictly in its place and did not emphasise its importance.<sup>2</sup>

"The origin of these evils is to be found in the mistaken policy of the country during the last war. The desolation of St. Domingo and the insurrections in Grenada and St. Vincents, by abridging the importation had carried sugar in 1797 and 1798 to a price which made the nation believe that we could continue /

<sup>1</sup> "Inquiry" pp. 1-14.

<sup>2</sup> Do. pp. 19-37. At p.17 he approves of Pitt's substitution of sugar for malt in the breweries because "It was calculated to relieve the planter by taking part of the glut out of the market."

"continue to monopolise the supply of Europe.

An attempt was therefore made to oblige foreigners to part of the duty instead of drawing the whole back as formerly on exportation. This impolitic regulation paved the way to the importation of sugar by neutrals into the continental markets, and the extended cultivation of the Spanish as well as the French colonies provided these neutrals with ample cargoes. "

This unfortunate state of affairs, he pointed out, must inevitably lead to the emigration of planters and negroes, and a loss to the nation in shipping and sea:men. He quoted Sir Wm. Young, the author of the "West India Commonplace Book", an authoritative manual on all subjects relating to the West India trade.<sup>1</sup>

"The business cannot long continue on such terms between government and any description of its subjects; the planter may for a time struggle to maintain his share, but must ultimately fail; and losing its active partner the state will have the dead and unprofitable stock on hand, of islands poorly /

<sup>1</sup> "Inquiry" p.26. In the West India Commonplace Book the tendency is very marked to find the remedy, as it finds the causes, for depression within the trade itself rather than in the competition of the neutral in the foreign market.

"poorly cultivated and of works and manufactures in decay. "

Proceeding from this to consideration of the remedy Lowe's first and principal suggestion was the same as that which held a similar place in the minutes of the Standing Committee of West India Merchants and Planters. With the same end in view, the attainment of an equilibrium between supply and demand he proposed to stimulate the market for West India products in this country by increasing the consumption of sugar by its use in breweries<sup>1</sup> and distilleries<sup>2</sup> and by the use of rum in the army. The suggested interruption of the supply of sugar to the Continent took, as in the minutes of the Committee, a secondary place, and, as in the minutes, was intended to apply only to enemy sugar.

Thus, viewing the policy of the British government in the matter of trade regulations as the chief source of the trouble, Lowe did not shrink from the inevitable conclusion,

"The planter has long complained in vain, and it is but lately, since he found complaint unavailing that /

<sup>1</sup> "Inquiry" p.46, the breweries would use the "low" sugars, for which no adequate market existed.

<sup>2</sup> "Inquiry" p.48, the distilleries would use the good brown sugars, which would fetch 60/-.

"that he has ventured to suggest the probable necessity of laying open the monopoly; I advise him to adhere to this declaration and to raise the voice of remonstrance to a louder note. Let him tell the British government that if he continues subject to ruinous restrictions he must transport himself and his negroes to colonies where such restrictions are not enforced. Let him tell the merchant, who, rather than forego the advantages attached to the monopoly is content to acquiesce in the oppression of the colonies, that in his solicitude to preserve his profits he will lose his capital. " |

Here in the last sentence, if it were not already evident throughout the whole of their writings, is the real difference between Lowe and Marryatt. It is also the difference between Marryatt and the Committee of West India Merchants and Planters. It dictates their respective attitudes towards America. Whereas both the Committee and Lowe tended to emphasise the importance of the producer of sugars and other colonial produce and to concentrate their energies on an attempt to secure an equilibrium between supply and demand by reforms within the trade, Marryatt tended to emphasise the marketing side /

side of the question and to find the solution of all the difficulties with which the West India trade was afflicted in a strictly monopolist policy which would exclude America.

Marryatt had supporters in the body of which he himself was a member. Like their leader, they contributed their help towards influencing public opinion in their favour, and like Marryatt's, their pamphlets were not recognised by the Committee of West India Merchants and Planters. Such a one was Charles Bosanquet.

Bosanquet was the author of a pamphlet entitled "Thoughts on the Value to Great Britain of Commerce in General and on the Value and Importance of the Colonial Trade in Particular". In it he attempted to prove his general thesis that Commerce was valuable to Great Britain above anything else whatsoever. Almost in the first page he fell foul of Adam Smith,<sup>1</sup> and it is therefore not surprising to find him go on to elaborate mercantilist arguments. Commerce, in exporting manufactures, gave employment to the people and thus enabled the country to bear /

<sup>1</sup> "Thoughts on the Value to Great Britain of Commerce etc." p.2. Bosanquet warns his readers against the Scots economist, saying the student will "not rise from the perusal of his work without strong prejudices against merchants and mercantile pursuits. The class is abused, degraded and vilified.

bear a larger population than the cultivation of the soil required. It ensured the training of seamen and their maintenance in time of peace and it ensured wealth to the country since commerce enlarged the sphere of competency and afforded the means direct and indirect of revenue. In all these respects the West India trade was particularly valuable, for, although it might be said that in respect of nearly every branch of commerce the first and second considerations held, the third was completely true only in the colonial trade, for in it all the profits were within the Empire and it involved "no export of bullion".<sup>1</sup>

This pamphlet shows Bosanquet to have been a Mercantilist and definitely ranks him with Marryatt. Particularly indicative of his economic outlook is his view of wealth. To him it meant nothing more than the money profits on trade - a view consistent with interests in the transference of goods and services and the profits arising therefrom rather than in production. In point of time it was his second pamphlet but I have taken it first because it shows in clearer detail the economic outlook of its author and points a finger to his interests. It was these, no doubt, which made him in the other pamphlet /

<sup>1</sup> "Thoughts on the Value to Great Britain etc." p.41.

pamphlet of which he was the author,<sup>1</sup> regret that

"notwithstanding the strong case made out by the author of "War in Disguise" the British government has not chosen to avail itself of the fortunate opportunity of going to war with America - of doing that now which sooner or later must be done - and of convincing America that Great Britain though she has conceded much will not concede everything." <sup>2</sup>

This pamphlet was roughly contemporary with Marryatt's "Concessions to America", and the "fortunate opportunity" referred to was very probably the attack on the Chesapeake against which America made such a strong protest. Stephen's pamphlet would have provided the legal justification for strong measures for which that action could have served as an excuse, and to mercantilists like Marryatt and Bosanquet a war would have removed the neutral American competitor more quickly and effectively than a whole session of legislation. Hence it came about that pamphlets of this sympathy generally made light of the consequences to Great Britain of a war with America and /

<sup>1</sup> This second pamphlet was entitled "A Letter to W. Manning, Esq., M.P., on the causes of the Rapid and Progressive Depreciation of West India Property".

<sup>2</sup> "Letter to W. Manning, Esq., M.P." p.42.

and made much of America's inability to wage one.

This jingoistic attitude was specially noticed by Lord Buckinghamshire in a letter to Lord Auckland about this time. It is undated, but from the context belongs to the autumn of 1807. Referring to Admiral Berkeley's attack upon the Chesapeake his Lordship wrote "he probably has provoked a war with America" after which he went on to say,

"I dined on Friday last with Milligan, Hibbert etc., etc., the Managers of the West India Dock concern - you can have no idea of the earnestness with which they look forward to a war with America - considering it as one of the greatest benefits that could arise to this country." /

The evidence, so far, has been that there was no official West India opinion directly hostile to America but that there was a body of opinion, also of a West India caste which was definitely hostile, even to the point of war, After the promulgation of the British Orders in Council of November, 1807, the same dichotomy persisted. The Standing Committee of West India Merchants and /



and Planters, so far from giving any increased prominence to the peculiar advantages of the neutral as a cause for depression in trade, ceased gradually to mention the matter. Nor can it be argued that this absence of comment or complaint is to be taken as tacit approval of the Orders in Council, for in June 1809 a propos of this very subject the complaint was made that nothing had yet been done to relieve distress in the West India trade.<sup>1</sup>

On the other hand, so far as I have been able to trace the activities of Joseph Marryatt, the evidence leads in the opposite direction. As protagonist of that opinion which was hostile to America in 1807 he developed naturally into the champion of the Orders in Council after that date. On the 10th of March 1808 occurred an example of his activities. A public meeting had been called for that date by a group of American merchants to consider presenting a petition to Parliament for repeal of the Orders in Council.<sup>2</sup> This meeting is treated of in detail in another place and it is sufficient to point out here what was Marryatt's connection with it. It was well known that the merchants who were responsible for summoning the meeting were unanimously opposed to the Orders in /

<sup>1</sup> Minutes of the Standing Committee 8th June 1809.

<sup>2</sup> Morning Chronicle Jan. 29th 1808; March 10th 1808.

in Council and very likely to agree in presenting a petition for repeal. An attempt was therefore made to swamp the meeting. Marryatt was regarded as the prime mover behind this scheme, and certainly he took a prominent part at the meeting, and in the evening in the House of Commons when Alexander Baring exposed the whole matter, he regarded that gentleman's remarks as directed peculiarly against himself.<sup>1</sup>

Prominent also at the meeting in the following of Marryatt was William Lushington. Lushington published about this time a pamphlet in which he sought to demonstrate that the interests of agriculture and commerce were one. To him commerce meant simply the West India trade as that was viewed by Marryatt and his friends - that is to say a retail trade in West India products - and this pamphlet may be taken as an example of an attempt to enlist the sympathies of a class not immediately connected with those West India interests.<sup>2</sup>

A further example of the activity of this group of merchants occurred in 1809. This is a curiously pertinent one for it illustrates very clearly their concentration on the marketing aspect of the question and the retailing nature of their aim in attempting to secure wider public support for the Orders in Council. In April /

<sup>1</sup> Hansard, vol.X, 1059.

<sup>2</sup> "The Interests of Agriculture and Commerce Inseparable".

April a general meeting of merchants exporting to Holland was held. On the 26th of that month some relaxation had been made in the earlier Orders in Council with reference to the importation of goods to Holland in American bottoms, and a period of grace allowed for American ships which might have set out on the strength of Erskine's promise to repeal the Orders in Council. These two concessions formed the subject of discussion and it was complained that both operated to the disadvantage of the Dutch merchants. The report of the meeting is very scanty - but this significant fact is to be gleaned from it, it was held by invitation of West India merchants.<sup>1</sup> No mention, however, of this meeting occurs in the minutes of the Committee of West India Merchants and Planters, who it seems were in the habit of reporting any action taken jointly with other bodies, as for instance those with the Society of Shipowners.<sup>2</sup> It is more than likely therefore that this meeting was another item in the unofficial campaign of Joseph Marryatt and his friends. In 1811 a similar meeting was held with the Coffee /

<sup>1</sup> Morning Chronicle, April 28, 1809.

<sup>2</sup> Minutes, July 14, 1807; Sept. 15, 1808; Decr. 6, 1811; Minutes of Standing Committee, Febry. 21, 1807.

Coffee Merchants<sup>1</sup> and in 1812 before the House of Commons Marryatt naturally took the place of chief defender of the Orders in Council.

From the internal evidence provided by these examinations of the two groups of West India opinion it appears that the Committee of West India Merchants and Planters was impressed with the fundamental importance to their trade of the welfare of the actual producer of sugar and other West India commodities. They did not, except in one relatively unimportant instance, regard America as a dangerous enemy to that welfare, but on the contrary, as is evidenced by their support of the American Intercourse Bill and their consideration of the possibilities of rejecting the system of monopoly, they were not indifferent to the possibility of her being a definite help. On the other hand Marryatt and the men whom he led showed no special concern for the producer but concentrated on the troubles attending the marketing - or retail of West India products. They showed a distinct antipathy to America because she was a rival, the thin edge /

<sup>1</sup> Cf. general notices signed by Wm. Holden, sometime secretary to the Committee of West India Merchants and Planters, in Morning Chronicle, July 17, 1811.

Holden was particularly interested in the retail of coffee and sugar, Parliamentary Papers 1823 (432) 1V.

end of the wedge which must eventually burst their monopoly asunder. Their opinions class them with the merchant, spoken of by Lowe, "who rather than forego the advantages attached to the monopoly is content to acquiesce in the oppression of the colonies ..... in his solicitude to preserve his profits ... " It only remains to be seen if external evidence as to their main commercial interests - such as that evidence is - supports this conclusion.

Joseph Marryatt, the son of a Bristol doctor, had early shown ability in matters of finance and commerce.<sup>1</sup> He was entered in a house trading with the West Indies, and during the nine years 1782-91 he resided as a merchant at Grenada.<sup>2</sup> At the age of fifty when he wrote his pamphlet on the attitude of Great Britain to American commerce he was carrying on business in London as a West India merchant, importing West India products for sale in this country and abroad. He was, moreover, a banker, a shipowner, and an underwriter.<sup>3</sup> There was scarcely a phase, then, of commercial life in which he had not an interest - except indeed it be actual production. All his activities were by nature more concerned with /

<sup>1</sup> Gents. Magazine, April 1824.

<sup>2</sup> Parliamentary Papers 1807 (65) 111.

<sup>3</sup> Do. do. ; London P.O. Directory 1807.

with transference and exchange and the profits there:  
 :from accruing. Similarly, Charles Bosanquet was a  
 banker and his mercantile interests were in export to the  
 South Seas.<sup>1</sup> He was a Member of the Committee of West  
 India Merchants and Planters<sup>2</sup> and an intimate friend of  
 Lefèvre the banker whose house had quite extensive busi:  
 :ness with the West Indies and with the Continent, espec:  
 :ially in the export of colonial products.<sup>4</sup> William Lush:  
 :ington, also a member of the Committee of West India  
 Merchants and Planters<sup>5</sup> had a large export trade to the  
 Continent /

<sup>1</sup> London P.O. Directory 1807; B.T. 1. 59 (5).

<sup>2</sup> v. sederunt of the meetings. Minutes of Committee of West India Merchants and Planters.

<sup>3</sup> One of his pamphlets consulted in the British Museum bears on the fly-leaf "C. Lefevre, from the author". The hand is quite different from that on the other pamphlet which merely bears the name "Lefevre". It seems fair to presume therefore the writing on the first pamphlet is Bosanquet's and that it was a personal gift to Lefevre.

<sup>4</sup> James Currie who was a partner in the house of Lefevre was a very frequent applicant for licences to export colonial goods to the Continent. v.B.T.6. 199 etc.

<sup>5</sup> v. sederunts of the meetings. Minutes of Standing Committee of West India Merchants and Planters.

Continent in colonial goods.<sup>1</sup> He was, moreover, a banker and a shipowner.<sup>2</sup> The one interest common to them all was that they were concerned more immediately with the transference and exchange of wealth than in its production - or to put the matter in another way, they were first and foremost retailers. They had something to sell, the products for instance of the West Indies, and their chief customer was the Continent. The preservation of this traffic, even in abnormal circumstances was the policy of the Orders in Council. That is why these men supported them and argued for them. Under the shrewd cross-questioning of Brougham in the Parliamentary enquiry of 1812, Marryatt's answers made even this clear;

Asked, "If France could be supplied with colonial produce by America in exchange for her own manufactures could she have any inducement to permit the importation she now does by this country?"

He replied, "Just the reverse; produce can be raised cheaper in the foreign colonies than in the /

<sup>1</sup> Lushington was a frequent applicant for licences to export West India goods to the Continent. v. B.T.6. 194; also his name appears as being present at a meeting of "merchants trading to and from the Continent" in May of 1809. v. B.T. 1, 43 (46).

<sup>2</sup> v. Beavan "Aldermen of London"; his name appears as signatory to a memorial of shipowners in February 1809 v. B.T. 1, 43 (2).

"the British West India colonies and America as a neutral would have very great advantages in point of being able to navigate at peace freights and peace premiums of insurance.

.....

And a repeal of the Orders in Council in your opinion would lessen or entirely put an end to the export of our produce to France?

Certainly, France would then have no inducement to receive produce from an enemy when she would be able to procure it without any difficulty from neutrals. " /



THE AMERICANS.

In the event of a difference arising between Great Britain and America a second class likely to be seriously affected was the merchants who traded direct to the United States. From Great Britain there was a large export trade and this was naturally endangered by any threats of a rupture between the two countries. Thus when in 1808 Jefferson instituted the embargo the American ports were closed to this trade. A considerable deal of smuggling went on but it was small recompense for the general exclusion. On the other hand, the Embargo kept idle in their own ports American ships which would in normal circumstances have been engaged in trade with the Continent of Europe - a trade in which they earned the wherewithal to pay the British merchant for his goods. Thus, a quarrel with America would have a double effect upon the British American merchant, for, not only would it close the door to him on the Western side of the Atlantic, but it would also cut off the sources of payment - in view of the habit of long term trading then common between this country and America, a proceeding likely to involve British merchants in considerable /

considerable debt. In these circumstances, therefore, it was to the interest of the British American merchant to get the government and the people to see the matter in his light. How he did this, and what was the light in which he sought to present his case I have attempted to show in what follows.

As there existed a Committee of West India Merchants and Planters, so there was in London, at the beginning of this period, a Committee of American Merchants. They do not seem to have had so efficient an organisation, however, as their West India friends, and, although I have traced their Secretary, Philip Sansom, and one or two of his letters, I have not been able to find anything like full records of their meetings. Consequently, their activities are much more difficult to follow. They seem to have met at irregular intervals at the City of London Tavern where their gatherings still retained something of the character of the social clubs of the eighteenth century.<sup>1</sup>

The principal sources of information on this Committee have been the newspapers of the time in which it was customary for the Secretary to advertise the meetings. /

<sup>1</sup> v. Times, Morning Chronicle, at intervals during the period; also some stray letters of Philip Sansom in F.O. V. 55.

meetings. From the absence of advertisements in these during 1805 and 1806 one is tempted to conclude that the state of affairs between this country and America during these years did not fill the American Merchants with any real concern nor apprehension.

On the 25th of April, 1807, we find the Com:  
:mittee giving a dinner in the City of London Tavern to  
the American ministers Monroe and Pinckney. Good fellow:  
:ship seems to have characterised the meeting and toasts  
were drunk to perpetual friendship between Great Britain  
and the United States.<sup>1</sup> There seems to have been no dis:  
:cussion, and no other meeting until August.<sup>2</sup>

In the interval, the political horizon - in so far at least as it concerned Anglo-American relations - had darkened. Some of the works already mentioned were before the public, and in the newspapers there was both discussion and prophecy on the Anglo-American dispute.<sup>3</sup> The Chesapeake encounter was a very recent item of news. In these circumstances the apathy of the American Com:  
:mittee seems hard to explain. The difficulty is not, moreover, lessened by the proceedings in August.

At /

<sup>1</sup> v. Times, 28th April 1807; Canning was present. His toast was "May the British and the Americans never meet on terms less friendly than they have done this day".  
Morning Chronicle, April 28, 1807.

<sup>2</sup> v. Times, 25th August 1807.

<sup>3</sup> Cf. The Morning Chronicle, The Daily Advertiser, Oct.19, 1805; April 20, 1807; Aug.6, 1807; & July 27, 1807.

At this meeting a letter was read from John Richardson, secretary to the Liverpool Chamber of Commerce, which appears to me so significant that I have quoted it here in full.

"Sir,

A meeting of the members of the American Chamber of Commerce at this port has been convened this day for the purpose of taking into consideration the present serious and critical state of affairs as relating to the intercourse between the British Empire and the United States of America.

When it is considered how essentially the interests of both the countries are concerned in a maintainance of the relations of amity and commerce, and particularly at the present juncture it must be the wish of every sincere friend to this country whether Briton or American that these relations should not be interrupted unless such interruption be rendered inevitable by some imperious and irresistible necessity, arising from that regard which it is incumbent on every country to pay to its honour and its interest. If the manufacturers and merchants of this kingdom shall be convinced that the conduct of the British government /

"government towards the United States of America has been, and continues, such as becomes a government desirous of preserving the relations of peace and amity; and if it should now be found that these relations cannot longer be preserved without compromising the honour and thereby sacrificing the best interests of the British Empire, it is hoped there are no sacrifices or privations to which the manufacturers and merchants will not cheerfully submit in order to prevent such consequences.

If, on the contrary, the manufacturers and merchants of this kingdom shall be convinced that the intercourse which has now subsisted for more than twenty years between the British Empire and the United States of America with so many and such progressively increasing advantages to each is in danger of being interrupted by an assertion of claims incompatible with a due regard to the equal rights of both countries or by an unjust conduct on the part either of the British government or of any person acting under its authority it then becomes a duty to exercise that invaluable privilege - the essential bulwark of the British constitution /

"constitution - of respectfully making such representations to the government as the circumstances of the case may require. And as those circumstances may be such as to render it highly important that the persons making such representations should act with promptness and in concert; I am requested to inform you that if such circumstances should arise the Members of the American Chamber of Commerce of Liverpool hold themselves in readiness to correspond and co-operate with the manufacturers and merchants of Great Britain and Ireland for the attainment of the important objects herein mentioned.

I have the honour to be, Sir,

Your obedient servant,

John Richardson,

Vice-president.

This letter was in the nature of a circular and was accompanied by a proposal that it should be sent round to all interested in the American trade. It was also suggested that some form of combined action be taken, if necessary, to bring their case before parliament. It was decided, however, by the American Committee that /

/ This letter is printed by Cobbett in his Political Register v.12 pp. 260-1.

that although they were desirous of seeing the American trade put on the best possible footing it would be unwise to follow Mr. Richardson's advice. In view of the fact that negotiations were pending between the two countries, it was, moreover, regarded as both unnecessary and inexpedient to trouble government with this matter. The findings of the meeting were ordered to be conveyed by the Secretary to Canning.<sup>1</sup>

The issue of the Orders in Council in November 1807 evoked from the Committee of American Merchants several deputations to government.<sup>2</sup> But these were not to protest against the Orders, but only to have them explained in detail. It was almost certainly as a result of these enquiries that a fully explained text was published in December.<sup>3</sup>

However, it was now becoming evident that passive /

<sup>1</sup> Times, Aug. 25, 1807. Cf. also Letter of Sansom which is much fuller.

"This Committee having no reason to believe His Majesty's government to be indisposed to an amicable accommodation of the present difference see no necessity for "Associations being formed in the different manufacturing towns and seaports for the purpose of collecting information as to the prospects of a good understanding or otherwise between the two countries - " "

Sansom to Canning Aug. 21, 1807. F.O.V.55.

<sup>2</sup> Morning Chronicle, Nov. 19, 20, 21, 23, 1807.

<sup>3</sup> Do. Decr. 8, 1807.

passive acceptance of the government policy towards America as outlined in the Orders in Council did not meet with general approval even in the American Committee. On the 28th of January, 1808, a meeting was held in the City of London Tavern in Bishopsgate.<sup>1</sup> The policy of the Orders in Council came in for some serious criticism and the suggestion was made that a petition be presented to Parliament against them. The discussion which followed was both lengthy and heated, and it was only by the casting vote of the chairman, Philip Sansom, that the motion for a petition was finally negatived. This decision, however, left many of those present at the meeting extremely dissatisfied, and, as the sequel was to show, the dissatisfied members were not prepared to accept this ruling without a struggle.<sup>2</sup>

In the Morning Chronicle for the 12th of February there appeared a copy of the rejected petition. It was inserted by Abraham Mann, a member of the American Committee, who had been present at the meeting on January 28th, and who had found himself, by the single vote of the chairman, in the minority. His friendly disposition /

<sup>1</sup> Morning Chronicle, Jan. 15, 29, 1808.

<sup>2</sup> "The opinion of what is called the American Committee ..... appears to have no influence upon the great body of American merchants. "

Morning Chronicle, Jan. 29, 1808.



disposition towards America had brought reproach upon him and he had been accused of harbouring unpatriotic feelings. Against these charges he now defended himself in the pages of the Chronicle. His conduct on the 28th, he asserted, was the natural and logical outcome of his holding opinions based on close observation and reasoned criticism of facts as they stood with reference to the two countries. He believed that the Orders in Council, if persisted in, could have none but fatal consequences for this country in general, as well as for the American trade in particular. Already, indeed, they were destroying the export trade to the United States, and in that country they were arousing, and would continue to arouse, feelings of bitter hostility to Great Britain. They would be used by the enemies of Great Britain to stir up feeling against her, and - showing that he was well acquainted with the structure of American politics - "we all know what effect this will have on a popular government like that of America. I profess to be the advocate of peace with America" he added, with reference to the charge of unpatriotic favour, and, in his opinion, the policy of the British government was heading straight for war.

A few days later, as if definite examples were felt /

felt to be necessary to drive home the truth of these arguments and to illustrate the unfortunate consequences of a breach with America, there appeared in the same newspaper two paragraphs with the notice; <sup>1</sup>

"The following is submitted to the serious consideration of Parliament and the Merchants and Manufacturers of Great Britain."

Each section bore a large type heading, the one "United States of America", the other "Great Britain" and under each appropriate facts were marshalled for comparison, as;

" UNITED STATES OF AMERICA.

From authentic documents it appears that in a period of twenty years the population has increased nearly three millions.....

The imports have risen from eleven to thirty million dollars.....

The national revenue has increased in a period of ten years from eight to seventeen millions of dollars. In the state of Massachusetts alone there are seamen employed in their fisheries, foreign and coasting trade at least fifty thousand, and in case of war these men are ready for national or private armed ships, and in the various other ports on the coast of Georgia there are an equal number. "

and /

<sup>1</sup> Morning Chronicle, Feb. 18, 1808.

and,

"

# GREAT BRITAIN.

The Newfoundland fishery is at an end for want of a market. The West India planters in a state of ruin. The Mediterranean, Italian, and Turkey trades nearly annihilated. The Dutch, German, Spanish, and Baltic trades are prohibited by the decrees of the enemy. The East India warehouses choked up with goods and the Company forced to borrow 2,000,000 lately to pay their dividends. The manufacturers in various parts discharging their workmen. The mercantile shipping in a great measure out of employ ..... in this state of things and with such a contrast we are forcing the United States to war by our Orders in Council, and thereby shutting up the only channel of trade that remains. "

Clearly there was in the Committee of American Merchants a large number of members who were extremely dissatisfied with the apathy shown by the official body, and, as clearly, they were energetic, and meant, if they could not secure a just representation of their opinions through official channels to step outside of these altogether and make themselves felt in their own way.

However, /

However, it would seem, that one more attempt was made by them to arouse the Committee.<sup>1</sup> This time a suggestion was made to call a general public meeting. But this motion, too, was defeated.

This meeting marks a crisis in the history of the Committee of American Merchants. Indeed it is the last meeting of that body, as such, and it marks the dividing of the ways for the bona fide American merchants, or traders with the United States proper, on the one hand, and the merchants to whom America meant anything west of forty degrees. The public meeting which resulted shows the nature and extent of the disruption, explaining on the one hand the apathy which had so far characterised the American Committee, and on the other the energy which brought about the quarrel. For this reason, and because it represents as it were the whole battle of opinions in microcosm, I have dealt with the meeting in some detail.

Undaunted by their repulse the minority determined to hold a meeting in the City of London Tavern on the 10th of March. It was a public meeting for all interested in the American trade, and "for the purpose of considering and concurring in a petition to be presented to the Houses of Parliament against the bill relative /

<sup>1</sup> v. Times, 9th March, 1808.

"relative to the Orders in Council." <sup>1</sup> Alexander Baring was in the chair. The petition was proposed and read by Alexander Glennie. No sooner, however, had he taken his seat than Philip Sansom, until this meeting accustomed to discharge the duties of Chairman at meetings of the American merchants, rose to lodge a protest. He opposed the presentation of a petition against the Orders in Council for, in his opinion, it sought, "to embarrass the operations of our government at a time when it was the interest and duty of all Englishmen to co-operate for its assistance and support." He, therefore, moved an amendment "that pending the known discussions between this country and America it would be inexpedient and unnecessary to present a petition against the late Orders in Council." Glennie retorted that he did not think that Sansom had any right, under the terms on which the meeting was called, to move such an amendment; he was out of order! But Sansom had good support in the large audience.

John Inglis now rose to support him. Indeed he went further than his friend for he thought that the government had not acted with sufficient severity. "Seeing, <sup>2</sup> after the battle of Austerlitz that nothing more could be done upon the Continent our whole disposable force /

<sup>1</sup> Morning Chronicle, March 11, 1808.

"force both naval and military ..... ought to have been sent to take possession of the enemies' colonies and thus effectively to act upon the principle of the war of 1756. But instead of this we had ..... opened our colonies to America." <sup>1</sup> At this juncture Glennie made another attempt to keep the discussion to the point, but Inglis stoutly maintaining the relevancy of his remarks went on to urge that stronger measures along the lines of the Orders in Council would be more patriotic.

Sansom was further supported by William D. Gordon and the next speaker was Joseph Marryatt. He was most decidedly opposed to the petition. "It would indeed be likely to encourage the Americans to raise their tone and incline to warlike measures by showing them that they had a strong party in this country." Moreover, he approved of the Orders in Council. As seige measures they were not only justified but effective, and, he believed, that by their means the Continent would soon be reduced to such misery that Napoleon would be glad to sue for peace.

Baring now rose to meet this formidable attack on the original motion. The American merchants, he pointed out with special reference to a charge of selfish interest /

| The American Intercourse Bill.

interest so often levelled against them that evening, were in no way different from other merchants who protected their own interests in similar ways. They had been accused of acting under political influence and party instruction; "Certainly ministerial influence among merchants was not unfair to presume when the known connection of some gentlemen with the Treasury was considered ... - indeed the interposition of ministers with this question could not be denied for it had gone to such an extreme that it was intimated by good authority to one of the members of the American Committee that if he voted for the presenting a petition his name would be reported to the Treasury."

At once there were cries of "Name! Name!" and Sansom was on his feet demanding details. But the chairman did not feel bound to give them and he was supported in his refusal by his friends. Messrs. Maitland and Lushington, two prominent West India merchants now lent their aid to Sansom in his demand but without effect. Baring steadily refused to divulge any names, and continued his speech, pointing out in the course of it what sedulous care was taken by other commercial bodies to protect their own interests, and making a very pointed reference to the West India merchants in this context.

"They /

"They all knew", he said, "the active care which the West India merchants took of their interests. Indeed, the very measure now under consideration was said to proceed in a great degree from that activity."

Lushington now took up the cause of the counter-motion. He was very much opposed to presenting a petition. He thought that the Americans were becoming too rich and too proud. They were increasing rapidly in commerce, population, and naval resources and, as they were more likely to use these resources in aid of France and Spain than of this country, it was perhaps fit and proper for our interest and safety to check their growth.

The cry of question was now raised and at once a dispute arose as to whether the motion or the amendment should be taken first. Amid the turmoil Mellish, the member for Middlesex rose and attempted to speak. He was assailed from various parts of the house with cries and the question, "What have you to do with American trade?" This question, once raised, was put in turn to Messrs. Maitland, Lushington, Marryatt, and Turner. The meeting was now fast verging on complete disorder. Abraham Mann, the author of the Address to the American merchants in the Morning Chronicle some weeks previously, now proposed that all those present who were not bona fide American merchants should either leave the room or refrain /



refrain from voting. Lushington at once took him up. This was a proposal he said that affected him. He was a West India merchant and as such he held that he was interested in America. He felt, therefore, that he had a right to vote and he was determined to do so. The chairman at this point gave it as his opinion that only those directly concerned in the trade to America could claim this right, But Lushington was still determined to vote and there were many who followed his example.

The amendment was then put and carried by a large majority. Alderman Shaw moved that it be published in all the leading newspapers that this general vote of confidence in the government's policy towards the United States might be publicly known, but Baring declared that, having in his mind many who were not bona fide American merchants and whose hands he could still see raised in favour of the amendment, he could not in fairness declare that a majority of "persons connected with the American trade" had voted against the petition.

Thus, in one respect the attempt to swamp the meeting had failed, but the original intention of those merchants who had summoned the meeting was still unfulfilled. It was at this moment amid the noise and excitement created by the vote and many already leaving the hall, that Abraham Mann again addressed himself to the task. /

task. He appealed to those merchants whose real interest was in the American trade. He had no hesitation in declaring, from his own knowledge, that nine out of every ten of those who had voted for the amendment had no more connection with the trade of America than with that of China. "Ministers might send friends and their friends might bring their clerks, but the public opinion was not to be influenced nor should the interest of the American merchants, which included that of the public, be endangered by such unworthy expedients!" He called upon those who thought with him on this subject to remain behind and subscribe their names to the petition which would be presented that night at the bar of the House of Commons.

Such then was the Committee of American Merchants. In 1805 it showed little or no interest in the Anglo-American dispute. In 1806 and 1807 what interest it did show betrayed no anxiety for the trend that Anglo-American relations were taking. Even the Orders in Council met with no protest from them. On the whole it seems fair to presume that of the American Committee at that time a large number was predominantly in favour of the government policy as embodied in the Orders in Council, and if they did not secure an official endorsement from the American Committee for these measures they were, at least, responsible for its passive acceptance of them. /

them. The presumption is further strengthened by the fact that opposition to the government policy, when it did eventually make its appearance, came from the outside. The letter of John Richardson was plainly regarded by the Committee as interference, and the suggestions made in it were regarded with strong disfavour. However, once given this impetus division quickly grew in the ranks of the Committee, and the struggle which ensued ended as we have seen with the disruption of the 10th of March, 1808.

The story of that disruption I have followed fairly closely because it presents, as it were, the struggle in microcosm, and, moreover, the leaders on either side give some guide to the demarcation of interests in which the disruption originated, and of which their opinions afford the first indication. Moreover, it explains the hitherto passive acceptance of the Orders in Council. Thus on the side of the Orders in Council there were Philip Sansom, John Inglis, Joseph Marryatt, William Lushington, Ebenezer Maitland, and William Mellish, besides many others who took no active part in the discussion. While opposed to the Orders, and representing the minority opinion, were Abraham Mann, Alexander Glennie, and Alexander Baring.

Philip Sansom had been for years chairman of  
the /

the Committee of American Merchants,<sup>1</sup> until his obvious disagreement with the views of the direct traders to America had led to the substitution of Alexander Baring. This substitution is significant, for Baring was the acclaimed champion of the bona fide American merchant, and it is fair to presume that in placing him over against Sansom, the gentlemen of the minority expressed their disapproval of Sansom's qualifications to represent the direct American trade. He was a partner in the firm of Philip Sansom and Sons, merchants of Finsbury Square.<sup>2</sup> His trade with America seems to have been an import trade, and chiefly from the Southern States and the Spanish Main. In 1810 he applied for a licence to import a cargo of hides, tobacco, coffee and indigo, in the American ship 'Ceres', from Porto Cavello on the Spanish Main, and a further application for a licence shows him to have had trading connections in the Baltic. He also traded with Bilbao./<sup>3</sup>

<sup>1</sup> v. Times, Morning Chronicle, passim; F.O.V.55.

<sup>2</sup> v. London P.O. Directory 1807. There are several Sansoms, but the address at Finsbury Square, given on the few letters contained in F.O.V.55, leave no doubts in the matter of identification.

<sup>3</sup> v. B.T.6. 201; B.T.6. 202.

Bilbao. John Inglis described himself as a West India merchant. He also had East India interests.<sup>1</sup> Joseph Marryatt was an example of the West India merchant retailer and their most active agent. William Lushing: ton also was the author of a pamphlet in that interest, a merchant and a banker. Ebenezer Waitland had married the daughter of James Fuller, a West India merchant and banker,<sup>2</sup> and William Mellish was one of the largest ex: porters of foreign and colonial goods to the Continent and the Baltic.<sup>3</sup> William Gordon was, through his uncle Alexander Gordon, largely concerned in trade with Spain.<sup>4</sup> In short, all these men belong to that class of general merchants which have been already encountered among the West India people, and who were the most enthusiastic supporters of the Orders in Council and the bitterest ad: vocates of strong measures against America.

On the other hand there were Mann, Glennie, and Baring. These men were all champions of the direct export trade to America - a trade which tended to emphasise /

1 v. Minutes of Evidence on West Indies 1807.  
(Parliamentary Papers 1807 (65) 111.)

2 v. Gents. Magazine, July 1834. Fuller had large estates in Jamaica whence the family derived its wealth.

3 v. B.T.6. 196-202, passim. Partner in the house of John Gore & Co., general merchants - he had in his own admission very little acquaintance with the West Indies.  
Parl. Papers 1823 (452) 1v.

4 v. Biog. List of H. of C. 1812; B.T.6. 196.

emphasise the producing abilities of Great Britain as an industrial nation. Abraham Mann already encountered in connection with the Address to the American Merchants in the Morning Chronicle, and as a principal speaker on the 10th of March, had a long connection with the United States. For seventeen years he had been engaged in shipping goods - principally manufactured goods - to that country. In a vessel which sailed in July of 1807 he had shipped a consignment to the value of £35,000, so his house was one of some importance.<sup>1</sup> Alexander Glennie had a similar connection with the United States, which extended over fourteen years. He exported large quantities of the woollen and worsted manufactures of Yorkshire.<sup>2</sup> And Alexander Baring, besides having large trading and banking connections with the United States,<sup>3</sup> was generally recognised in this country as the champion, par excellence, of the American interest. He was particularly fitted /

<sup>1</sup> Minutes of Evidence on Orders in Council 1808.  
(Parl. Papers 1808 (117) X.)

<sup>2</sup> Do. Do.

<sup>3</sup> v. Times, June 22, 1805. "Holders of Bank Stock of the U.S.A. authorised to receive in London the half yearly dividend due in America in January last will be paid by Sir Francis Baring & Co. etc." He was also a friend of Gallatin. (Adams "Foreign Policy of the U.S.") p. 127.

fitted to occupy this position. The son of Sir Francis Baring, he had spent much of his youth in the United States as manager of the Baring interests in that country. He had married the daughter of an American senator,<sup>1</sup> and he was the author of more than one publication on the subject of the dispute between the two countries.

In November of 1807 there appeared in the Morning Chronicle the first of a series of letters from his pen on Anglo-American relations.<sup>2</sup> Growing gradually worse from 1805, these seemed to have reached a crisis in 1807 with the attack by Captain Humphreys on the American ship of war 'Chesapeake'. Baring, however, did not regard this as a very serious obstacle to a friendly settlement.<sup>3</sup> On the contrary after reexamining the questions involved he came definitely to the conclusion that they were really quite small and such as could be overcome by negotiation.<sup>4</sup> More fundamental and more insistently requiring of consideration were the economic rivalries and the consequences that must follow a policy of commercial hostility on the part of this country towards America. This country, he /

1 V. D.N.B.

2 Morning Chronicle, Novr. 19, 1807.

3 v. Letter 1.

4 v. Letter 2.

he maintained, should carefully avoid doing anything that might lead to a rupture, for to quarrel with America would be simply to play into the hands of Napoleon.

"To bring about a rupture between England and America would be Napoleon's crowning triumph..... as to avoid it would be for England to administer to him his death blow." /

Thus he countered the insinuation of a secret alliance between France and America, and the argument that the Orders in Council were a measure of national defence. But, the exposure of the foolish consequences of a policy of commercial hostility formed the most important part of his letters.

"Recollect that the population of America is already eight millions, and that the portentous state of Europe is a hot bed to her. She doubles her numbers every sixteen years. If peace and harmony are preserved you will soon want no other customers. In twenty years which is but a day in the period of a nation, she will take twenty millions, and in twenty more, which is but as another day, forty millions, and in twenty years more, which is but as a third day, you cannot cloath her or administer to /



"to her wants and luxuries. You may blot the  
Continent of Europe out of the map and yet your  
trade and consequent revenue would overflow."

The keynote of Baring's attitude to America is struck in the second of his Letters, where he says, "In all our transactions with America we should look to the America of fifty years or a century hence." On this long view, he considered any policy which should have the effect of imposing restrictions on trade as bad, for it would have the effect of turning America in upon herself, to meet her own needs with her own resources. Such a policy would have the effect of forcing her to manufacture her own goods, and, so, would destroy what was bidding fair to be the most profitable of all markets for this country.

Six letters in all from Baring's pen were printed in the Morning Chronicle and, as if that publicity were not sufficient, they were collected and published in pamphlet form before the end of the year with a preface by the editor. In this preface it was stated that the letters were written, ".... having for their object to impress upon the government and people both of Great Britain and America the reciprocal advantage of peace and harmony between /

"between them." <sup>1</sup>

In the next year Baring published his most important work on the subject. The orders in Council were by this time in full force and the retaliatory measures of America were beginning to be felt by the British exporter. It was in these circumstances that he published "An Inquiry into the Causes and Consequences of the Orders in Council and an Examination of the Conduct of Great Britain towards the Neutral Commerce of America". This pamphlet was regarded as the most impressive statement of that opinion which favoured friendship with the United States. In this respect it stands over against "War in Disguise" and Marryatt's "Concessions", to both of which it makes frequent reference. It is referred to by a contemporary pamphleteer as a "very popular pamphlet". <sup>2</sup>

With reference to the causes of the Orders in Council Baring showed quite clearly that he regarded the commercial jealousies of the West Indians, shipowners and merchants exporting to the Continent, as the real reason /

<sup>1</sup> "The Six Letters of A.B. on the Differences between Great Britain and the United States of America."

London 1807.

Melvin in his "Napoleon's Navigation System" includes this pamphlet in his bibliography as an anonymous publication. It was well known at the time to be Baring's.

<sup>2</sup> T.P. Courtenay in his "Observations on the American Treaty" p.2.

reason for these measures.<sup>1</sup> Admitting the commercial difficulties incident upon a war such as Great Britain was then fighting he denied the truth of the accusation put forward by these men that the neutral was the cause of them and expressed his regret that the government and the public should have been moved by the complaints and thinly veiled suggestions of hostility contained in such publications as Bosanquet's "Letter to W. Manning etc.", to embark upon a policy which so thoughtlessly accepted the risk of war with America.<sup>2</sup>

He was chiefly concerned to show, however, what the consequences of that policy must be. Thus, he dismissed briefly the legal issues involved in the claimed right to retaliate by enforcing the rule of the War of 1756, and in the vexed question of impressment.<sup>3</sup> As in his previous writings he showed clearly that he did not consider these questions of primary importance,<sup>4</sup> or in any danger of becoming in themselves the cause of a rupture. / <sup>5</sup>

1 "Inquiry" pp. 1-2.

2 Do. p. 3.

3 Do. pps. 31 et seq.

4 Do. p. 96.

5 Do. pps. 99-101.

rupture. Only perseverance in the policy of the Orders in Council - a policy dictated by commercial interest and involving no question of rights - could bring the two countries to war.<sup>1</sup> It was his business, therefore, to try to avert that catastrophe by bringing home to the government and the British public what their true interests were and what would be the consequences of perseverance in the policy of the Orders in Council.

The true policy of Great Britain, he urged, should not be obscured by small issues - a proceeding contrary to the natural instincts and propensities of the two peoples. But, as the real issue was commercial, so commerce should be left as free as possible; "The interference of the political regulator in these cases is not only a certain injury to other classes of the community but generally so to that in whose favour it is exercised."<sup>2</sup> The true policy, indeed, was to supply America with British manufactured goods for which she could give in return the produce of her soil.<sup>3</sup> Both of these transactions, however, could be carried on to the best advantage for all parties only when no obstacles stood in the way of a free and friendly intercourse. The Orders in Council stood in the way of that confidence and /

<sup>1</sup> "Inquiry", p. 132.

<sup>2</sup> Do. p. 134.

<sup>3</sup> Do. p. 138 et seq.

and freedom! Already they had given rise to bitter feelings between two peoples who should always live on terms of closest friendship, not only by reason of a common origin but because it was to their mutual benefit and interest. Moreover, British commercial policy restricted the sources from which America drew the where: withall to purchase British goods, and so, in yet another way the Orders in Council militated against general prosperity.<sup>1</sup> Their immediate effects could be seen in the Embargo and in the distress, growing every day more acute, among the manufacturers of woollens and hardware.<sup>2</sup> But they had ramifications throughout all commerce, and their ultimate consequence must be war, severing the ties of kinship, throwing into confusion economic relations to such an extent as to produce very great suffering in this country.<sup>3</sup>

This pamphlet was written before the meeting on March 10th and it was, no doubt, partly as a result of the sentiments expressed in it, and the place of prominence that it demanded for its author that Baring was chosen to /

<sup>1</sup> "Inquiry", p. 142.

<sup>2</sup> Do. p. 154.

<sup>3</sup> Do. p. 174 et seq.

to lead the rebellious faction. After that night the Committee of American Merchants ceased to exist. Baring kept in touch with Brougham<sup>1</sup> and with Auckland<sup>2</sup> - the two most energetic opponents of the Orders in Council in the legislature - and, although the struggle tended to shift after this to Parliament, he, together with other members of his family, never lost an opportunity of bringing the subject of Anglo-American relations before the notice of his fellows. In the Autumn of 1808 a civic dinner was given to the Portuguese representatives in London. Sir Francis Baring, father of Alexander, was asked, as one of the City's wealthiest merchants to preside. When the toasts came to be given he, after proposing in turn the crowned heads of all the allies, asked the company to drink to the President of the United States. No one drank, but, instead, loud hissing greeted the request, and Baring was forced to accept the humiliation /

<sup>1</sup> v. "Life & Times of Lord Brougham" 2. p. 21.

<sup>2</sup> v. Letters of Auckland to Grenville, Febry. 15 & 16 1809; Fortescue LX (Hist. Mss. Comm.).

The letter of Feb. 16 speaks of an enclosure which "arrived from New York this evening and was forwarded to me half andhour ago by Mr. Baring".

humiliation and leave things as they were.<sup>1</sup> The paper  
 made  
 which most of this unfortunate incident was "The Sun" -  
 the organ of the Rt. Hon. George Rose,<sup>2</sup> a West Indian, a  
 fervent supporter of the Orders in Council and the  
 acknowledged enemy of America.<sup>3</sup>

In /

1 v. "Sun", August 22, 23, 30, 1808. The incident was regarded by this paper as an excellent subject for its wit. Several samples of this commodity appeared in the form of verses. Mostly these were very poor - but this one may be Canning's. It is certainly the best of the attempts.

" Then in song and converse gay  
 Passed the festive hour away,  
 Every tongue its joy declaring,  
 Till some Demon whispered Baring,  
     Some Demon imp of Mammon race  
     With Belial tongue and Yankee face,  
     Some Agent Imp that underhand  
     Works in Commerce contraband,  
 "Good Sir Francis hope and aid  
 And patron of our lumber trade,  
 Quondam friend of Lee and Gates  
 Toast our President and States!"  
 Well inclined and thus entreated  
 He the Yankee toast repeated.  
     But ere his lips could close  
     Hiss and hollow murmur rose  
     Hisses loud and never ceasing  
     Murmurs into groans increasing. "

2 v. Fox-Bourne 1. 288.

3 Cf. Letter of Lord Auckland to Grenville, Oct. 16, 1807; Fortescue IX. (Hist. MSS. Comm.). Referring to the mission of Rose's son to America in 1807, Auckland wrote, "Mr. G. Rose has many amicable private qualities but is not in any point of view an auspicious choice for the service in question ..... Least of all should they have sent a young man without rank or commanding talents, and the son of a person who has often affected to hold a language hostile to the neutral trade of the United States. "

In Parliament Baring consistently opposed the Orders in Council. From the day on which he presented the petition of the bona fide American merchants until the final repeal of these Orders in 1812 he never lost an opportunity of joining in the attack upon them.<sup>1</sup> A power in himself, he was yet very much alone, in one respect, in the House of Commons. There were no others engaged in the same branch of commerce and therefore likely from considerations of interest to lend him their aid. Moreover, his political and economic outlook was not likely to win him much support. He was a Whig with very liberal views on many subjects, and though, at a later date, his political stock rose considerably, it was not very high in either the Perceval or Liverpool administrations. Nor with the exception of his brother Thomas<sup>2</sup> had he any bonds of kinship to make an extra voter follow him into the lobby. In this respect the Americans were not an influential body.

<sup>1</sup> v. Hansard, V. 10 - 22, passim.

<sup>2</sup> Thomas Baring was Member for Chipping Wycombe.



### THE MANUFACTURERS.

By 1805 Great Britain was already well on the way to becoming "the workshop of the world". The industrial revolution with its increased mechanisation had made her the largest manufacturing country, and her own resources contributed to the change. All other countries looked to her to supply some of their needs. America looked to her to supply them all. Although Alexander Hamilton had made it a principle of his home policy to encourage manufactures in the United States, and had not spared any of his genius and energy to further that end,<sup>1</sup> the United States in 1805 was still very deficient in means to supply to her own wants in anything but food. Nearly everything that was made by British manufacturers found a market in America.<sup>2</sup> Thus, when relations between the /

<sup>1</sup> "Alexander Hamilton" (American Statesmen Series) H.C. Lodge, p.107.

<sup>2</sup> v. "A Narrative of a Journey of 5000 miles through the Eastern and Western States of America", Henry Bradshaw Fearon. London 1819.

Fearon was sent out to estimate the possibilities of America as a place of settlement, and he was therefore very wide awake to commercial matters. Because of American dependence on British manufactures he discouraged the emigration of manufacturers; "Mechanics whose trades are of the first necessity" - that is to say blacksmiths and carpenters - "will do well; those not such or who understand only the cotton, linen, woollen, glass, earthenware, silk and stocking manufactures cannot obtain employment. The labouring man will do well." p. 89.

"Clothing /

the two countries became uncertain, the American demand for British manufactured goods became endangered. From the nature of America - a new country, colonising rapidly - it was natural that the larger part of her demand should be for hardware - steel, iron, brass and tin goods, and for strong cloth and utensils of every day use - but as I have said there was scarcely a thing made in this country which could not find a market in the United States. It is not surprising, therefore, to find that concern for the continuance of friendly relations was general in the manufacturing districts. Baring, it will be remembered, in his letters to the Morning Chronicle in 1806 had laid great stress on the importance of the American market for British manufactures of all kinds, and had pointed out the weakness of a policy which tended to force the Americans to manufacture for themselves.<sup>1</sup> It was not, however, till after the promulgation of the Orders in Council of November, 1807, that the manufacturers began fully to realise for themselves the truth of Baring's words. The November Orders met with counter-enactments from America in the shape of the Embargo and the Non-importation Act. These began to have their full effects in Britain about the Spring of 1808, and it is from /

"Clothing and domestic utensils are chiefly of British manufacture." p. 46.

<sup>1</sup> V. "Six Letters of A.B." Letter 2.

from that time that one can date the realisation by the manufacturers of the truths preached by Baring two years before.

Then, it was in conjunction with the exporters of their wares that they took action, and it was against the Orders in Council as the embodiment of British policy towards the United States that they launched their attack. Henry Brougham, as yet but little known, was briefed by them to plead their cause at the bar of the House of Commons. Representatives were sent up to London to give evidence, and a Committee of the whole House took the question into consideration. <sup>1</sup>

The majority of these witnesses, it must be admitted, were merchants exporting to the United States, but an extract from the evidence of Alexander Glennie will show how very close was the connection between them and the manufacturers. He had, he said, been fourteen years in the American trade and was in the habit of receiving remittances for American cargoes consigned to different ports upon the continent. Asked, "After you have received remittances in this manner on American account /

<sup>1</sup> v. Minutes of Evidence taken at the Bar of the House on the petition of Merchants, Manufacturers and others of Liverpool, the City of London, and of Manchester, who are concerned in the trade of the United States of North America regarding the Orders in Council.

Parl. Papers, 1808 (117) X.

"account do Americans draw upon you in favour of their creditors in this country?", he replied, "The principal part of the money we receive on American account is drawn by bills made payable to manufacturers in Yorkshire and the exporters of manufactured goods in London." <sup>1</sup>

John Oxley, himself a manufacturer of cloth and blankets, spoke for the Yorkshire manufacturers at the meeting of the Committee on 23rd March, 1808.<sup>2</sup> He said that they made chiefly for the American market, but since the enactment of the Orders in Council that market had been almost entirely closed to them. He spoke for the whole West Riding when he said that houses which, before these Orders came into force, used to employ fifty men each, did not now employ more than six or eight. James Palmer, a manufacturer of hosiery, had a similar account of depression in his trade.<sup>3</sup>

Yet, despite the incontrovertible evidence of these men and the able advocacy of Brougham, nothing was done to bring about easier relations between the two countries by rescinding the Orders in Council. If one can believe Brougham, the action of the merchants and manufacturers was bitterly resented by the Ministry and particularly /

<sup>1</sup> Parl. Papers, 1808 (117) X.

<sup>2</sup> Do.

<sup>3</sup> Do.

particularly by Stephen and Rose.

"Stephen is more outrageous than ever, He has completely quarrelled with me, first for saying what I did say and next for not preventing its being published. He says it is an incendiary and pernicious speech and can only do mischief. But the real truth is that he does not like being attacked ..... and George Rose goes about saying he blames <sup>him</sup> greatly for not stopping me at every other sentence. They bitterly repent having allowed our petitions to be gone into. "

Nothing more was done by the dissatisfied manufacturers for some time after this. The reason for this inactivity is to be largely sought in the almost complete absence of machinery for combined or even systematic action. The American Committee had by this time broken down, thus removing the only hope there had been of a centralising body, and jealousies and misunderstandings between masters and men in the various manufacturing centres precluded even isolated group action. But there were other causes which contributed to delay, not the least among which was a lingering hope that in South America a market would be found to off-set the markets lost /

<sup>1</sup> Brougham, "Life and Times", Vol.1 p. 404. Letters to Earl Grey, April 21, 1808.

lost through the operations of the Orders in Council.<sup>1</sup>

The /

1 v. Evidence before Committee on Orders in Council, 1812; Parl. Papers, 1812, (210) 111. passim.

Lord Auckland wrote to Lord Grenville,

"My neighbour, Lord Liverpool, had quite persuaded him: self (and indeed seemed to have ministerial authority for it) that the Braganza dynasty would be transferred with all the ships to Brazil, and that we should acquire exclusively the key to all the trade and treasures of South America." Hist. MSS. Comm. Fortescue 1X.

This was in November, 1807. Subsequently several pamphlets were written on this subject, from which these are extracts. The dates of these publications are significant

Wm. Burke writing in 1807 to advocate the emancipation of South America, gave, as one of his chief reasons for it, the commercial benefit which would accrue to this country. The opening up of new markets in the perilous state of Europe, when "not a single port friendly to the British flag presents itself along the immense line of coast extending from the shores of Dalmatia to the banks of the Ems", assumes in his eyes some of the character of a duty;

"we are undoubtedly called upon by the best interests of the people and the safety of the state to adopt immediately and energetically the only adequate counter mode of proceeding left to us - that of opening new markets for the sale of the products of our labour and industry elsewhere; and certainly in no other part of the world can this be effected with so much ease and efficiency as throughout the immense and fertile regions of South America."

"South American Independence the Glory and Interest of Great Britain". London 1807. pp. 15, 23, 24.

In "Additional Reasons for our Immediately Emancipating Spanish America", published in 1808, the same writer repeats the arguments. p. 83 et seq.

As late as 1812 Thomas Ashe wrote in "A Commercial View and Geographical Sketch of the Brazils",

"It is surely unnecessary to state how prodigious a general accession of trade and force our influence in South America secures, but how paramount it is to that of which the present state of Europe bereaves us. It is sufficient to observe that the commerce maintained by Spain, Italy, Holland, Germany and France with Portugal now devolves on this country; and that if we adopt

the /

The capture of Buenos Ayres by Sir David Baird had opened a new market in the southern half of the American continent which many hoped would replace the lost colonies of the North. Although the town was shortly after retaken, and the British attempts at occupation met with reverses, yet the hope still lingered in mercantile circles that the project would be finally successful. The flight of the Portuguese royal family to Brazil encouraged these expectations, as did also the fact that Miranda was known in this country and had many well-wishers /

"the manufactures of the above nations and convey them together with our own to the Brazils, in British bottoms, the rise of new manufactories and the prosperity of the old must be the inevitable consequence."

pp. 9-10.

Cf. also B.T.1. 53. A Memorial dated London 22nd Novr. 1810 from merchants trading to the Brazils. It states that, since the establishment of the Portuguese government in South America, the trade between Great Britain and Portugal had increased. This really means the trade between Great Britain and the Brazils as Portuguese ships carried the British goods from Portugal. The Memorial is a plea for easier laws with reference to Portuguese shipping, especially with reference to port dues.

It is quite erroneous therefore to assume that in Britain interest in a South American market died with the news of Baird's failure and of the first setbacks.

:wishers in his struggle for freedom. All these factors combined to create a certain general optimism and led to some speculation.<sup>1</sup> However, it did not last long. The glutting of the South American market synchronised with the tightening up of Napoleon's Navigation System to bring about a crisis in the manufacturing areas.

During the winter of 1811 the situation in many of the manufacturing towns became acute. In Birmingham, probably the largest manufacturing area affected, the number of paupers reached 9,000,<sup>2</sup> and in Liverpool, where the American trade represented the staple interest, a soup kitchen was opened to give relief to the 16,000 poor. Between £1800 and £2000 was collected by subscription to buy potatoes at any price and retail them at a shilling a peck to the poor, and in the same way, a food made of rice, barley, "a little salt to season it" and treacle or molasses was sold at a halfpenny the quart.<sup>3</sup> In May Lord Archibald Hamilton presented to both Houses of Parliament a petition from the cotton manufacturers of Paisley and Lanark. Misery, the petitioners asserted /

1 One enterprising merchant had shipped a consignment of sedan chairs with disastrous effects. Useless as a means of conveyance to the worthy people of Rio, the price they could have fetched as curiosities was not sufficient to pay the freight. Parl. Papers 1812 (210) 111

2 v. evidence of Thos. Attwood, on Orders in Council 1812; Parl. Papers 1812 (210) 111.

3 v. Do. J.B. Aspinall, on do. do.



asserted, was general throughout the district; twelve hundred families were without employment of any kind, and bankruptcy was so common that all confidence between merchant and manufacturer had been destroyed. All this was "chiefly owing to the exclusion of our commerce from the Continent of Europe and the stoppage of our trade with America in consequence of the Orders in Council." <sup>1</sup>

In December, in Liverpool, William Rathbone, Thomas Cropper, Thomas Thornelly and John Richardson decided once more to take action. Rathbone, Cropper and Thornelly had all been prominent in the movement which led to the Parliamentary enquiry of 1808,<sup>2</sup> and we have already witnessed Richardson's attempt to rouse the American Committee. They began now to agitate for a general meeting to protest against the Orders in Council. In this they received a large support, and at length they approached the Mayor with their request. He refused to call a public meeting on the grounds that so large a gathering would endanger the peace and quiet of the town.<sup>3</sup> This refusal and the reasons given by the Mayor /

<sup>1</sup> Hansard V.XIX, 1017.

<sup>2</sup> v. Minutes of Evidence etc. 1808. Parl. Papers 1808(117) X.  
Brougham, Life and Times v.1. p. 404.

<sup>3</sup> Liverpool Mercury, 13th December, 1811.

Mayor came in for some very scathing comment from a neighbouring paper' - a fact which shows how widespread was the interest in this subject and how much the action of Liverpool was being watched by other communities. After commenting on the fact that larger gatherings were commonly summoned for charities, the writer of the article goes on to say;

"We would not for the world be thought to laugh at charity but we confess that when so much more powerful means of removing the distress complained of presented themselves in the revival of commerce and peace with America, we cannot but condemn the patient peace-loving disposition which would not allow the attention of the town to be called to them. At the very best charity cannot be any long duration when so many are to be its recipients; whereas the rescinding of these Orders would instantly furnish employment to almost every needy labourer in the Kingdom, and of course a legitimate and independent subsistence. If these Orders, of which, the annulment would do more honour both to the heads and the hearts of our ministers than any other act they have performed, were repealed - not only the poor in Liverpool /

"Liverpool, but in Leeds, Manchester, and Nottingham:ham would immediately fall into their regular occupations, and instead of the humiliating half-crown received every Saturday from the treasurer of a fund or the heart-breaking pittance grudgingly given by an overseer of the poor the industrious mechanic would carry to his cheerful family lawful wages, the fruit of his own industry."

Despite the refusal by the Mayor of Liverpool to give permission to hold a public meeting, however, the merchants and manufacturers did hold a meeting on their own responsibility. Several resolutions in condemnation of the policy of the Orders in Council were passed and ordered to be printed, and a petition was drawn up, and copies left at various places throughout the town for signatures. It stated:-

"That the continuance of the Orders in Council instead of restoring to us any part of the lost trade of the Continent is manifestly the cause of still further curtailing trade, by depriving us of the market of the United States of America by far the most valuable for the consumption of our manufactures which this country ever possessed and which has been estimated to cause an annual export /

"export of British goods to the amount of at least ten millions sterling."<sup>1</sup>

This petition, unfortunately, had not the public backing which it was desired to give it, but it was representative of the commercial body of which Rathbone, Cropper and the others were the acknowledged head.

Not only in Liverpool, however, was action being taken. In Hanley on January 13th, 1812, Josiah Wedgewood presided at a public meeting of the inhabitants of the Staffordshire Potteries when the distressed state of the industry was thus briefly and forcefully stated;<sup>2</sup>

"The number of bankruptcies is unprecedented.

More than one fifth of our manufactories are unoccupied and falling to decay and the remainder employed to little more than half their usual extent. Great numbers of workmen are without employment and they and their families are dependent upon our daily increasing poor rate for subsistence."

It was decided therefore to present a petition to Parliament for repeal of the Orders in Council, to which, it/

<sup>1</sup> Liverpool Mercury, Decr. 13, 1811.

<sup>2</sup> Staffordshire Advertiser, January 11, 18, 1812, & v. also March 7, 1812.

The petition was signed by 93 out of 114 firms - the total number /

it was stated, all this misery was due. In April Wedgewood presided at a similar meeting of the manufacturers of china and earthenware at the Swan Inn, Hanley, and again similar resolutions were passed and a similar decision taken to petition for repeal of the Orders in Council.<sup>1</sup>

In Sheffield we have similar indications of dissatisfaction with the effects of the government's policy towards America. On 4th February a general meeting of the townsfolk was summoned to consider petitioning for repeal of the Orders in Council. So great was the crowd that the hall was very soon found to be too small, and the meeting was eventually conducted in the open air. Resolutions condemning the Orders in Council were proposed and carried with great acclamation.<sup>2</sup>

In Leeds at a meeting of the trustees of the Cloth Hall held on the third of March it was unanimously resolved;<sup>3</sup>

"That the distressed situation of the ~~woollen~~ trade  
trade /

number then engaged in the trade - and by more than seven thousand other inhabitants interested in the welfare of the Potteries.

<sup>1</sup> Date is given as 2nd April, in Liverpool Mercury of April 10, 1812.

<sup>2</sup> Liverpool Mercury, Feb.7, 1812, from Sheffield Isis.

<sup>3</sup>

Do.

March 13, 1812.

"trade of this riding calls for the serious attention of the Legislature; and that it is a duty which the merchants and manufacturers owe to themselves and their country humbly to re: present their situation to His Royal Highness the Prince Regent and to the two Houses of Parliament in order that a suitable and effective remedy for their distress may be obtained. "

and, in explanation of this resolution and the distress of which it complained, it was further explicitly stated;

"That the British Orders in Council is the principal cause of the commercial difficulties of this nation whereby our manufactured goods are prevented access to the foreign markets and particularly to America. "

Birmingham, as I have already pointed out, was very badly hit by the loss of the American market. The manufacturers there, like their friends in other quarters resented deeply the conduct of this country towards America as that conduct was exemplified in the Orders in Council. They were, however, more fortunate in having a leader. Thomas Attwood, later to play an important role in the struggles for an extended franchise, first came into prominence as sponsor of the manufacturer's cause against the Orders in Council. He was the son /

son of Matthias Attwood, a steel manufacturer, who together with Isaac Spooner had built up one of the largest businesses in Birmingham.<sup>1</sup> Now, together with Richard Spooner, the son of Isaac, Thomas Attwood came forward to plead the cause of the manufacturers of Birmingham - and incidentally of the whole country.<sup>2</sup>

In October of 1811 he was made High Bailiff of Birmingham,<sup>3</sup> and it was in that capacity that he presided over a meeting - "extremely numerous and highly respectable" - of the inhabitants on the 31st March, 1812.

From the reported proceedings of this meeting one can glean yet another item of information as to the activity of the manufacturers. Richard Spooner reported the result of an interview with Spencer Perceval. It was sought by a deputation from a body calling itself the Inland Commercial Society - no doubt an extempore association of Birmingham manufacturers, and an example of the very rare attempts at associated action. Spooner stated that Perceval had listened cordially enough to what they had to say but had reasserted his belief in the efficacy and justice of the Orders in Council;

"He admitted that he was fully aware of the distressed state of the manufacturers but being as fully /

<sup>1</sup> Wakefield, "Life of Thomas Attwood".

<sup>2</sup> Liverpool Mercury, 10th April, 1812.

<sup>3</sup> Wakefield.

"fully convinced of the benefits accruing to the country at large from the Orders in Council he could not from any consideration of partial distress alter his opinion."

Spooner, however, could not say so much for the way in which Mr. Rose had received them. "It does not signify, gentlemen," he was reported to have said, "we are like two men with our heads in a bucket of water and we must see which can stand drowning the longest." After retailing this conversation Spooner appealed directly to his audience; "When therefore such a sentiment as this is openly avowed by one of His Majesty's ministers I leave it to the sense of this meeting whether it is not time for us to begin to think for ourselves."

This was precisely what the meeting intended to do, and it embodied its thinking in a series of resolutions of which two here will suffice.

"Resolved, dissentient only five.

That we view with the deepest regret the present ruinous situation of the Manufacturers and Commerce of the United Kingdom and are decidedly of opinion that the Orders in Council by closing our commercial intercourse with the United States of America are a principal cause of the evils we deplore."

and

"Resolved /



"Resolved unanimously;

That this town and neighbourhood contain:  
 :ing a most numerous population and being un:  
 :questionably one (of) the most important manu:  
 :facturing districts in the British Empire have  
 greatly depended upon a friendly intercourse with  
 the United States of America and are suffering  
 most severely under the operation of the Orders  
 in Council."

Moreover a petition requesting the repeal of the Orders in Council was drawn up, and it was resolved to ask the members for the County to present it and give it their full support. In four days the petition was signed by twenty thousand persons and it required one hundred and fifty feet of parchment.<sup>1</sup>

These meetings and petitions at length had the effect of instituting a parliamentary inquiry into the justice and policy of the Orders in Council, similar to the inquiry in 1808. Again, Henry Brougham appeared as the champion of the manufacturers, and it was largely due to his energy and perseverance that the inquiry was begun and successfully ended in the face of the many difficulties which arose on the death of Perceval.<sup>2</sup>

On /

<sup>1</sup> Liverpool Mercury, April 10, 1812.

<sup>2</sup> Minutes of Evidence taken before Committee of the whole House /

On the 29th of April, 1812, the Committee held its first sitting. From then until the 3rd of June, when its business was successfully terminated, it held nineteen meetings and examined one hundred and sixteen witnesses. These were not all manufacturers. They included merchants, shipowners, and brokers, but there was not an important manufacture which was not represented. From Birmingham, representing the steel and iron industries and kindred items of hardware such as brass, came nineteen witnesses headed by Thomas Attwood. From Manchester and district, representing the cotton industry in all its branches, came eleven witnesses. From Leeds and Sheffield came ten to represent the cloth and cutlery trades, and from the West Riding to speak for the woollen and worsted manufacture came several more. Josiah Wedgwood came to plead the cause of the Staffordshire potters. Even the linen trade of East Fife was represented, the carpets of Kidderminster, and the salt of Cheshire. Rathbone and Thornelly were there from Liverpool.

All the manufacturers agreed in their accounts of distress /

House to whom it was referred to consider of the several petitions which have been presented to the House in this session of parliament relating to the Orders in Council.-

Parl. Papers 1812 (210) 111.

Cf. also Hansard. vols. XXI-XXIII.

distress and hardship in the manufacturing areas. From 1807 a gradual falling off in trade had been clearly noticeable, and, although some hesitated to give a definite cause for it, the majority stated quite emphatically that it was due to the Orders in Council. Thomas Attwood declared that for the last twenty years the Birmingham export trade had been confined more and more to the United States market. The usual value of exports was from £800,000 to £1,000,000, but now the export to the United States had ceased and the general output was not more than £300,000 a year. His own firm had not exported anything to the United States since February, 1811. He believed, "that the Orders in Council by assisting the differences between us and the United States of America have tended most materially to close the ports of the United States of America against us." Similar testimony was given by William Blakeway and others of Birmingham, Walter Fergus for the East Fife linen trade, Thornelly for the exporters to America, and Sam Woods for the West of England clothing trade. The last mentioned stated that before the Orders in Council they had had a good and increasing American market ranging in value from £500,000 to £700,000 per annum, but since these Orders it had practically disappeared. <sup>1</sup>

During /

During 1808 and 1809 some temporary relief had been sought in a South American market.<sup>1</sup> But it had soon proved illusory and distress had grown steadily. The protective aspects of the Orders in Council were discountenanced by the majority of the manufacturers. They confidently stated their ability to compete successfully with French or home-manufactured goods in the American market, if only a free intercourse were granted. Many of them only waited for the repeal of the Orders in Council to dispatch large cargoes to America. So confident were they that these measures alone stood in the way of a friendly intercourse, that they would not wait to hear of the annulment of the corresponding American measures. Thomas Attwood declared that he knew of many orders received in Birmingham from America the execution of which was conditional on repeal of the Orders in Council. At Liverpool many ships were ready loaded and prepared to put to sea the moment they received news of repeal. Henry Hinckley, an insurance broker, said in confirmation of this confidence that on repeal of the Orders in Council, without knowing whether the Americans would open their ports or not, he could do considerable business at four guineas per cent.<sup>2</sup>

When /

<sup>1</sup> Evidence of Thos. Potts. Parl. Papers 1812 (210) 111. Cf. also note, *supra*.

<sup>2</sup> Parl. Papers 1812 (210) 111.

When it was learned that the issue of this inquiry was likely to be successful, the witnesses were received by their townsfolk with general rejoicing.<sup>1</sup> In Birmingham, however, the citizens did not omit to notice the conduct of Sir Charles Mordaunt with reference to the Orders in Council. He had been asked to give his support to the petition but had shown no interest whatsoever in the question. Accordingly when opportunity arose in October a vote of no confidence was passed in him.

"Resolved, dissentient only four;

That Sir Charles Mordaunt, Bart., by his great inattention on various occasions, when applications have been made to him as a representative of the county of Warwick on subjects of great commercial importance to this town and neighbourhood, particularly by the indifference which he manifested to the interests of his constituents, when he presented to the House of Commons a petition from Birmingham against the Orders in Council ..... and by his non-attendance during the examination of evidence in support of the allegations contained in that petition has been guilty of a dereliction of his duty /

<sup>1</sup> The Birmingham Representatives Potts and Spooner were given a civic welcome. Langford "A Century of Birmingham Life".

"duty as a Member of Parliament and has rendered himself unworthy of the confidence of his constituents. "

This was signed by the chairman, Thomas Attwood! <sup>1</sup>

On June 23rd the Orders in Council were formally repealed. The news was greeted with general rejoicings in the manufacturing areas. In Sheffield the news was greeted with the ringing of bells and the firing of cannon.<sup>2</sup> In Stafford, the Stafford Advertiser reported "considerable rejoicings took place particularly in the Potteries; and the countenances of the people resumed an appearance of satisfaction and pleasure such as we have not witnessed on any previous occasion."<sup>3</sup> The Leeds Mercury reported;

"The beneficial effects of the repeal of the Orders in Council are already apparent in the impulse given to the woollen trade. Bales of cloth which have been stored in the warehouses of the American merchants for months, in some instances we may say for years, are now in transit to the place of their destination; and we are peculiarly happy to state that there were more purchasers in the Leeds Cloth Hall this morning /

<sup>1</sup> Wakefield "Life of Thomas Attwood".

<sup>2</sup> Sheffield Mercury, 20th June, 1812.

<sup>3</sup> Stafford Advertiser, 20th June, 1812.

"morning than there has been on any market day since the enactment of the celebrated Orders in Council." <sup>1</sup>

But the harm was already done. Five days before the repeal of the British Orders the American government had declared war. Reports of the warlike speeches made in Congress had been common enough in the English papers for more than a year but the general optimism of the manufacturers on the repeal of the Orders in Council show how little they had expected these to materialise. During the War some intercourse still continued and for many years after it British manufactures found a ready market in the West, but America was started by the British Orders in Council on that process of manufacture and industrialisation which has continued steadily, and now makes her the greatest competitor of this country in the markets of the world.

<sup>1</sup> Leeds Mercury, June 20th, 1812.

SHIPOWNERS.

This body presents a very real difficulty, a difficulty arising in some measure from the indeterminate nature of the business of ship owning in those early years. Many a so-called shipowner neither owned a vessel nor a part of one but had simply a share - a venture as it was called - in some particular outgoing cargo. It would greatly facilitate this attempt, therefore, to examine ship-owning opinion could one discover, as in the case of the West Indians and the Americans, a body which was in some way representative. In the Minutes of the West India Committees, as already shown, there are mentions of a "Society of Shipowners of Great Britain", and in other places which I shall mention in the course of this chapter somewhat similar references occur. I have made an attempt to trace this body. The London General Shipowners' Society is the oldest society of the kind in the country, but on examination its records prove to extend no further back than 1816. In that year, according to its minutes, the Society was first inaugurated. However, the inauguration notice makes mention of a previous "Committee" in the year 1811. This is almost certainly the /



the "Society of Shipowners of Great Britain". ¶

Mentions of the Society are to be met with here and there in contemporary newspapers. In the Public Ledger the Society advertised its meetings and occasionally, but it would seem not with a very scrupulous /

¶ I am indebted for this information to Douglas T. Garrett, Esq., Secretary to the London General Ship: owners' Society, who has very kindly examined the records of the Society for these years. He writes;

" The Society has always been regarded as the oldest Association of Shipowners in London, but the earliest record we have is that of a General Meeting of shipowners convened by public advertisement and held at the City of London Tavern on the 11th September 1816 "To consider the present state of the shipping interest, and for the election of a new Committee".

At this meeting a report was presented by the existing Committee of its proceedings during the time they had been in office, and the report covers the previous five years viz. 1811-1816.

It is clear therefore that a Committee, presumably self-constituted, was in existence as early as 1811, but there seems to have been no attempt at anything resembling a General Meeting, or an elected committee, until 1816, and the earliest date referred to by the Annual Reports is 1811.

The Society's Minute Books also begin in 1816, no doubt from the appointment of the Elected Committee called into being at the meeting above mentioned."

scrupulous regularity, inserted in the same paper reports of the proceedings.<sup>1</sup> It was also responsible for the publication of several pamphlets on matters concerning its interests, and these, preserved as they are, furnish yet another item of evidence for the existence and activity of the Society.<sup>2</sup> But from this evidence yet another point emerges. In the pamphlets always, and in the Public Ledger sometimes, its members call themselves the "Society of Shipowners of Great Britain". But at other times in the Public Ledger they call themselves the "Committee of Shipowners for the Port of London". From the fact that the notices are always signed by the same man - Nathaniel Atcheson, their secretary - and that the same men are listed as being present, it seems reasonable to deduce that, though two names occur there was but one body, and that this irregularity in naming the association was symptomatic of something undefined in its nature - that

"The /

<sup>1</sup> "The Public Ledger and Commercial and General Advertiser" was the organ of the licensed victuallers, and was specially interested in all commercial matters. v. "The Newspaper Press" London 1860.

<sup>2</sup> v. "American Encroachments on British Rights", "A Collection of Important Reports and Papers on the Navigation and Trade of Great Britain etc."

"The Society of Shipowners of Great Britain" was rather what it hoped to be than what it was. This is further borne out by a notice in the Public Ledger. On the 19th of April, 1811, a notice appeared in that paper to the effect that,

"A general meeting of the Shipowners for the Port of London will be held on Thursday next the 25th instant at the London Tavern."

and on the 25th a recommendation was tabled that the ship owners should become members of "The Society of Ship: owners of Great Britain". The fact that these words occur in inverted commas in the report strengthens the supposition that they were put forward as a name under which uniformity could be brought into these assemblies of shipowners. It seems fairly clear, then, that association for mutual help was still in an elementary stage among owners of shipping and there was no general association of shipowners at this time. This point is further borne out by the existence of numerous local bodies. <sup>1</sup>

With this caveat then on the nature of their representative /

/ Petitions are mentioned from shipowners of South Shields, Hull, etc., in 'Hansard' and the 'Journals' of both Houses. Moreover, Board of Trade In-letters (B.T.l, 40-53) contain many of the actual petitions signed and submitted by different groups of merchants calling themselves Shipowners of London etc.

representative quality we can proceed to examine their activities. "The Public Ledger and Commercial and General Advertiser", in which notices of their meetings were published, shows only two unimportant meetings in 1805.<sup>1</sup> The year 1806 is already well advanced before any mention of America is found. Then it occurs in connection with the American Intercourse Bill. The provisions of this Bill I have referred to before. It aimed at legalising the intercourse between the British West India Islands and the United States of America which had hitherto been carried on by a series of Orders in Council and acts of indemnity. The meeting of the Society of Shipowners on the 19th of June 1806, re:  
:solved unanimously;

"That the adoption of this Bill at the present moment is highly objectionable and impolitic as it cannot fail to encourage claims on the part of America to allow a free intercourse between the United States and the King's Dominions in the West Indies.... which..... will tend to expel from that part of the colonial trade which is left for British shipping a greater number of them and will increase the distress already felt /

1. On Feb. 14th at Will's Coffee House to consider harbour rules and on 8th Aug. a general meeting to elect office bearers. v. Public Ledger, Feb.11 and Aug.1.

"felt etc. " <sup>1</sup>.

It also passed a vote of thanks to the M.P.s. who had shown themselves opposed to the measure.

At the next meeting held on the 31st of July it was resolved,

"That it is the opinion of this Committee that the Merchants, Shipowners and Manufacturers of Great Britain and Ireland ought not to relax in their endeavours to obtain a full and effectual operation of the Navigation and Colonial System of the Country by securing the freight to the Colonies to British ships exclusively and the Monopoly of supplies and manufactures of all sorts to the Mother country, which it appears to this meeting can only be done by dutiful and respectful applications to Parliament." <sup>2</sup>.

When one takes into consideration the fact that goods to the value of nearly £220,000 were exported in one year from Ireland alone <sup>3</sup> to the British West Indies, it is not surprising that those shipowners who carried the produce should resent the American /

1. Public Ledger, June, 26th, 1806.

2. Do. Oct. 25th, 1806.

3. Accounts and Papers, 1805, VI.

American Intercourse Bill. But there is no justification for assuming even in their case a general feeling of hostility to America.

With the change of ministry in 1807 the friends of the Society of Shipowners came into power.<sup>1</sup> The Orders in Council which formed one of their first measures no doubt met some of the need though they cannot be characterised as "a full and effectual operation of the Navigation and Colonial System" and the only message of commendation on them which I have been able to find did not come from this body of shipowners but from an entirely different group. On November 17th 1807, Thomas Wilson, Esq. wrote to the Board of Trade on behalf of merchants trading to the Continent, expressing "the hope and expectation ..... that the measures of vigour adopted by their Lordships' wisdom will be attended with most beneficial consequences."<sup>2</sup>

In the Spring of 1808 there appeared a book entitled /

1. The Public Ledger for June 26, 1806, prints a list of 56 M.P.s. who were regarded by the Society as friends. Most of them were returned to power in 1807. They include, Rt.Hon. George Rose, Sir Wm. Grant, Sir Wm. Scott, Lord Castlereagh, George Canning, Spencer Perceval, Sir Wm. Curtis, Sir Chas. Price, John Jeffrey, John Jackson.

2. B.T. 5, 17, Nov.17.

entitled "American Encroachments on British Rights". It was published with the aid and approval of the Society of Shipowners and its author was Nathaniel Atcheson - their secretary. It is therefore an authoritative statement of their opinions.

Very early in the work Atcheson expressed the opinion that the British government had hitherto shown "too strong a disposition to conciliate the esteem of the United States",<sup>1</sup> and in the later development of his theme he made it his business to show by example how the Americans, availing themselves of this disposition, were taking advantage of it to overreach Great Britain.

His first example was the provisional treaty of commerce and amity signed by Lords Rolland and Auckland in 1806.<sup>2</sup> At that time Auckland had not been ignorant of the difficulties involved and had sedulously attempted to keep discussion as general as possible and away from question of rights. He believed he had succeeded, and wrote to Grenville to that effect,

"On the whole I am not aware that we have done anything /

1. "American Encroachments etc." p.XXVlll.

2. Do. p.l11 et seq.

"anything that is vulnerable ..... and in the meantime the impression of a treaty being concluded is of considerable importance." <sup>1</sup>

and again on Dec. 31,

"I am happy to inform you that after a further discussion of about four hours the American ministers at last accepted the American treaty in the form and tenor proposed to them, and we have signed accordingly. It is certainly an important consideration in our relative position on the globe in the actual predicament of the war, and it is very desirable to show any collateral attentions, both personal and national that give both substance and colour to this declared friendship. " <sup>2</sup>

Acheson held quite contrary views.

On the matter of boundaries he criticised Holland for being too lenient with the United States. The northern boundary between Canada and the United States had from the peace treaty of '83 been a source of continual dispute. The fact that no less than three rivers could be taken to be the St. Croix of the treaty did not make settlement easier, and the influence which /

1. Hist. MSS. Comm. Fortescue VIll.

2. " " " " VIll.



which control of the Northern Ports gave among the Indians, added to each side the due incentive to push their claims - the British for the Western St.Croix, the Americans for the Eastern. The islands in Passa: :maquoddy Bay formed as it were the test piece in this game. Holland allowed the American claim to these islands. This was tantamount to accepting the Eastern St.Croix as the real boundary line and involved a cession of territory and a sphere of influence to America. Atcheson regarded this with strong disfavour and cited it as a serious encroachment.<sup>1</sup>

Likewise, he complained that the treaty made no mention of the inland customs regulations between Canada and the United States. By the third article of Jay's treaty the right was given to each party of passing freely through the territories of the other in America, except within the limits of the Hudson's Bay Company, but it contained the following clause relating to the St.Lawrence -

" - it is understood that this article does not extend to the admission of vessels of the United States into the seaports, harbours, bays or creeks of His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small vessels /

(<sup>1</sup> "American Encroachments etc." p.111.

"vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of frauds in this respect, nor to the admission of British vessels from the sea into the rivers of the United States beyond the highest ports of entry for foreign vessels from the sea. " <sup>4</sup>

Atcheson complained that while the Americans enforced this law against British vessels they did not observe it in its operation against themselves in Canadian territory with the result that the carrying trade to and from Canada and particularly with the West India islands in the articles of fish, timber and gypsum was almost entirely in their hands. <sup>2</sup>

One important exception to this rule had been the Miss<sup>iss</sup>ippi. <sup>3</sup> This was to be free and all the ports on /

1. v. "Treaty of Amity, Commerce and Navigation, concluded Nov. 19, 1794, between His Britannic Majesty and the United States of America". Article 111. - Bemis, "Jay's Treaty", appendix VI.

2. "American Encroachments etc.", pp. XV, XVI, XVII.

3. "Treaty of Amity, Commerce and Navigation" - Art. 111.  
 "The river Mississippi shall, however, according to the treaty of peace be entirely open to both parties; and it is further agreed that all the ports and places on its eastern side, to which: soever of the parties belonging, may freely be resorted to and used by both parties in as ample a manner as any of the Atlantic ports or places of the United States or any of the ports or places of His Majesty in Great Britain. "

on its eastern shore to be open to both parties. Yet, according to Atcheson, British subjects in North America found they were denied equal rights in the matter of port and harbour dues, and that the Mississippi was a closed way except at the price of heavy exactions. Moreover, the somewhat nebulous boundaries of Louisiana gave the American government the sanction and the excuse to prohibit all fur trading west of the Mississippi to any but those who were willing to abjure their allegiance and become citizens of the United States. This was a serious blow to the Canadian fur trade.<sup>1</sup>

The encroachments of which Atcheson complained, therefore, were quite definite and localised. He was, besides being secretary to the Society of Shipowners, much interested in the British North American colonies,<sup>2</sup> and /

1. "American Encroachments etc.", pp. X, XI.

2. Ad. MSS. 37,292 f.206, where he is described as "agent for the British American colonies". v. also Ad. MSS. 38245 f.174, a letter transmitted by Atcheson to the Earl of Liverpool 25th Aug. 1810, and beginning "I am directed by the Committee of Merchants interested in the Trade and Fisheries of His Majesty's North American Colonies, etc. "

and this no doubt influenced him in his choice of subjects for discussion, but he was naturally led to criticism of the adherents to a conciliatory policy towards America and of Baring as the most influential of these. Baring was a free-trader, and characteristic: ally enough Atcheson's chief complaint against him was in the score of the Navigation Laws. He believed that a strict enforcement of them was the only sound policy for Great Britain. Baring's main contention was that America's value as a market for British goods was large enough to offset losses which might occur from relaxation of the laws and the growth of American prosperity. Atcheson, characteristically enough, settled upon the freights paid to American shipowners to swing the balance against Baring.

He reckoned that £1,567,481 was paid annually to American shipowners for freight. When this was added to the value of the imports it brought these up to £7,837,406. Against this Great Britain exported to America to the value of £7,950,500 which left her a favourable balance of only £113,094. Therefore, he contended that when the freights paid by Britain to American shipowners were taken into consideration the American /

American trade did not prove to be nearly so beneficial as it was claimed by its advocates to be. Indeed nothing could compensate for the losses which followed on departure from the colonial system, and, to illustrate this point, he turned again to the American Intercourse Bill.<sup>1</sup>

"The injury thus sustained by Great Britain by the relaxation of her maritime rights and the suspension of the navigation and colonial system is increased by the opportunity it has afforded the subjects of the United States to inundate the Continent of South America with foreign, European and other goods to the great prejudice of the English trade from Jamaica and the other islands to the Spanish Main. Whereas if such indulgences had not been granted nor concessions made to the United States, the export from Great Britain and Ireland to the British dependencies in the West Indies and North America would have increased.

.....  
 The admission of neutral ships into the trade of the British West India Islands has likewise proved seriously detrimental not only to the inhabitants /

<sup>1</sup> "American Encroachments etc." p.XXV; LV.

"inhabitants of the British North American provinces but also to many persons in the West India settlements whose capital was embarked in plantation shipping. "

The evil consequences of departure from the navigation laws all came home to roost at the doors of the shipping interest. They implied injury to British plantation shipping and a decrease in the numbers of plantation built ships.<sup>1</sup> They meant a decrease of British ships in the direct trade to the United States<sup>2</sup> and a decrease in British shipbuilding.<sup>3</sup> It will be noticed that there is a certain restriction in the scope of Atcheson's work. The encroachments mentioned are concerned chiefly with the Canadian boundary and Canadian trade. The chief item of complaint is the American Intercourse Bill, and his real cause is that of the British North American colonies whose particular merit was that they provided "a naval arsenal for Great Britain and a permanent and dependable supply of necessaries for the West Indies".<sup>4</sup> It is difficult to say whether Atcheson was whole-heartedly in favour of the Orders in Council or not for he makes no direct mention of them. Nor does /

1. "American Encroachments etc.", p.LV.

2. Do. p.LVI.

3. Do. p.LVII.

4. Do. p.XXIII.

does the Society of which he was Secretary. The probability is that they found themselves in the position of a certain shipowner cited before the Committee of the House in 1812 who could not give a definite opinion either way but tended to approve of them.<sup>1</sup> This much is true, however, that from this date the meetings of the Society of Shipowners are very few and these measures never a topic of discussion. Yet, had Atcheson pushed his arguments in favour of a very strict application of the Navigation Laws to their logical conclusion, he must inevitably have come to disapprove of the Orders in Council, and his interest in the British North American colonies must have brought him into opposition with the Licence System.

This was indeed what happened in other societies. The practice of granting licences long well known in European wars had by the year 1808-9 grown into a regular system, and had become the 'sine qua non' of the Orders in Council. The activities of the Society of Shipowners were all directed towards one end - the undiminished use of British ships in British trade. This was an end not served by the Licence System - but on the contrary in conjunction with the Orders in Council it tended definitely to increase /

<sup>1</sup> Thos. King, Parl. Papers 1812 (210) 111.

increase the numbers of neutral carriers to the prejudice of the British mercantile marine. Neutral and even enemy ships and seamen were employed. In this respect the dual system of Licences and Orders was in opposition to the real aims of the navigation laws. As early as 1807 a petition was presented by Shipowners of North and South Shields complaining of "indulgences granted to neutrals both in the trade of the countries of the enemies of Great Britain and in the trade of the King's Dominions. Besides your petitioners can state with confidence that the Nation is not benefitted by Government permitting merchants to import in neutrals, but the Merchants only,...." <sup>1</sup> It was signed by two hundred and twenty six shipowners. These effects were felt particularly in the Baltic trade. In April, 1811, the merchants of Hull addressed a Memorial to the Board of Trade, and at the same time gave it publicity in the leading newspapers. <sup>2</sup> About the same time two pamphlets appeared condemning the system of licences and Orders in Council. <sup>3</sup> On February 27th /

<sup>1</sup> "The Humble Petition of the Undersigned Shipowners etc.", London 1807.

<sup>2</sup> "Quarterly Review", v.5, p.458.

<sup>3</sup> "Reflections on the Nature and Extent of the Licence Trade", Budd 1811. "An Enquiry into the State of our Commercial Relations with the Northern Powers, with reference to our Trade with them under the Regulation of Licences". Hatchard 1811.



27th, 1812, Mr. Staniforth presented a petition to the House of Commons from merchants and shipowners of Hull.<sup>1</sup>

The petitioners pointed out that the trade of the Baltic, in which their city was particularly interested, had passed almost entirely into the hands of foreign ships and seamen as a result of the licence system and the British commercial regulations; "if a blockade of hostile ports ..... be deemed advisable ... they would humbly recommend that it be full and complete and not rendered ineffectual by licences or evasions of any kind whatsoever". These evasions resulted in the employment and consequent prosperity of foreign ships and seamen to the detriment of British shipping, and they had, moreover, an ill effect on the British North American trade for one of the most important items of their traffic was naval stores.

George Rose, then at the Board of Trade, while he admitted that the System of Licences might be subject to abuse, stoutly denied any connivance on the part of the Board.<sup>2</sup> Perceval defended the whole system of licences and Orders as the only means of securing to Britain profits which would otherwise devolve /

1. Hansard, v.XXI. p.979.

2. Do. v.XXI. p.842.

devolve on aliens.<sup>1</sup> The author of "Reflections on the Nature and Extent of the Licence Trade" quite definitely deduced the licence trade from the Orders in Council, "the legitimate offspring of that unnatural measure".<sup>2</sup> In the House of Commons, Marryatt denied that the two systems were in any way connected.<sup>3</sup> In the upper House, Lord Holland as stoutly affirmed that they were.<sup>4</sup> The weight of opinion, so far as petitions are concerned, seems to have favoured Lord Holland's view. On April 17th, 1812, Wilberforce presented a petition from Sheffield against the Orders in Council, in which it was expressly stated that these measures had been responsible for an extension of the licence system.<sup>5</sup> Some ten days later a petition from shipowners of Sunderland showed the same disposition to relate the two systems, and like that of the Hull shipowners stressed the injury to the North American trade in staves and naval stores.<sup>6</sup>

On May 4th a petition from owners of ships in Scarborough was presented on the subject of licences. It also pointed out the danger to the North American trade /

<sup>1</sup> Hansard, v.XXI., p.842.

<sup>2</sup> "Reflections on the Nature and Extent of the Licence Trade", p.61.

<sup>3</sup> Hansard, v.XXI, p.842.

<sup>4</sup> Do. v.XVII., pp.168-9.

<sup>5</sup> Do. v.XXI., p.424.

<sup>6</sup> Do. do. pp. 1037-8.

trade and expressed the belief that the licence system was contrary to the maritime interests of the nation. It expressed the wish "that the House will be pleased carefully to investigate the great deviations which have lately been made upon the maritime laws of this kingdom".<sup>1</sup> On the same day a similar petition was presented and read from owners of ships in Aberdeen. Within less than three weeks a petition from shipowners of South Shields, identical in wording with that of the Scarborough shipowners was presented and read.<sup>2</sup>

On the other hand, there were shipowners who endorsed the commercial regulations as they stood. At a meeting of merchants, shipowners and others held on 4th May 1812, at Johns Coffee House, Cornhill, it was resolved unanimously that a petition be presented begging the Legislature not to adopt any measures for the purpose of inducing His Majesty to rescind the Orders in Council,<sup>3</sup> and stating,

"That your petitioners have from the first promulgation of these Orders viewed with approbation the just and necessary retaliatory measures which have been opposed by His Majesty to the lawless and unprecedented system adopted by the enemy for the destruction of /

<sup>1</sup> Hansard, v.XXII, p.1132.

<sup>2</sup> Do. v.XXIII. p. 236.

<sup>3</sup> Public Ledger, May 8, 1812.

"of the Commerce and Manufactures of the British Empire."

The chairman at this meeting was a merchant called Thomas Wilson. He was the same Thomas Wilson who in November, 1807, had sent a message of congratulation to the Lords of Trade, and his name figures as chairman at a meeting of "merchants trading to and from the Continent" held in May, 1809, in the City of London Tavern, to protest against the slight relaxation made in favour of America by the Order of 26th April.

A territorial, or regional division would seem to be indicated, but on the other hand petitions in favour of the Orders in Council came also from the towns of the North East coast, from North Shields and Sunderland, from South Shields and from Scarborough,<sup>1</sup> and even from the Merchant Venturers of Bristol. It seems fairly clear that although there were numerous bodies of shipowners, wide differences of opinion existed among them, that there was no one association to which all looked for guidance, and no evidence of a united attempt to coerce government. It is difficult in these circumstances to see how British shipowners could have "financed a campaign,"<sup>2</sup> or even unduly influenced /

<sup>1</sup> Hansard, v.XXIII, p.202; 236; 289; 291.

<sup>2</sup> v. Morrison "History of America", v.1, p.259.

influenced the policy of the ministers. The one thing all shared to some extent was allegiance to the Navigation Laws, but it is quite clear that each body had its own interpretation of those laws, which changed, moreover, with changing circumstances. It is difficult to see how one can with justice ascribe to these men the character and influence of a homogeneous body when no single principle seems to have been held in common.

OTHER INTERESTS.THE LANDED GENTRY.

Ward in his Diary, speaking of the debate on the Orders in Council on March 3rd, 1812, when the government secured victory only by the narrow margin of sixty-two votes, wrote -

"We triumphed last night solely through the  
country gentlemen who came up on purpose to vote."<sup>1.</sup>

The House was crowded and much interest was shown in the issue. All this can be largely explained by the fact that the Orders in Council had become, as it were, the stalking horse of the opposition, and with dissension in its own ranks and Brougham giving direction and force to the attack, a government defeat seemed imminent. When Whitbread attacked the policy of the government towards America no such interest had been shown. The House was nearly empty - the country gentry did not come up to take part.<sup>2</sup> So it was too in the earlier years. In 1808 Lord Auckland described the general attitude to the Orders in Council as one of "stupid apathy",<sup>3</sup> and at the /

1. Phipps, "Memoir of the Literary and Political Life of R.P. Ward", v.1, p.450.

2. On Feb.13, 1812, Whitbread remarked upon the small attendance; Hansard XXI.

3. Lord Auckland to Grenville, May 3, 1808. Hist.MSS. Comm. Fortescue IX.

the end of the session he wrote to Grenville;

"The prosperity of the whole kingdom is likely to be destroyed by that mad measure of the Orders in Council; but nobody cares about it and we have discharged a thankless duty." <sup>1</sup>

The truth is that the Anglo-American dispute was to a large extent commercial. As Augustus Foster wrote to Lady Elizabeth from Washington on the 1st of December, 1805;

" ..... on this day the congress opens. We expect a boisterous session for they are angry with us about our regulations in regard to their commerce. They and we are now the two rivals in what has always given power wherever it has extended, Commerce." <sup>2</sup>

and again in February of 1806;

"Our disputes and concerns with this country are becoming greater and greater every day ..... The two greatest commercial nations on the globe cannot move in the same sphere without jostling one another a little while we are aiming blows at the French marine. We want elbow room and these /

<sup>1</sup> Lord Auckland to Grenville, June 24, 1808. Hist.MSS. Comm. Fortescue 1X.

<sup>2</sup> "The Two Duchesses", p.253.

"these good neutrals wont give it us and there:  
:fore they get a few side pushes which makes them  
grumble." <sup>1</sup>

So it is not surprising to find that the English country gentleman was but little interested in the dispute. His commercial interests - if he had any - were restricted to the sale of his produce, and the importation of corn from America had not yet reached proportions large enough seriously to affect him.<sup>2</sup> Despite attempts such as Lushington's<sup>3</sup> he was not interested in what were certainly the principal aspects of the Anglo-American dispute. To him were addressed not "Concessions to America" or "Inquiries" into the West India trade or the Orders in Council, but, rather the newspaper leaders, the reviews, and occasionally a pamphlet such as "A True Picture of the United States of America".

This little booklet was published in the summer of 1807 about the same time that news of the Chesapeake-Leopard incident was received in this country. It announced /

1 "The Two Duchesses" p. 271.

2 Between Oct. 1, 1800, and Oct. 1, 1801, Great Britain imported 20,689 quarters of grain and 224,754 quarters of flour from the United States - roughly one-sixth of the entire grain import for the year. Lowe, Appendix D.

3 "Interests of Commerce and Agriculture Inseparable".



announced itself to be the work of "A British Subject". The author was George Champion.<sup>1</sup> He was chiefly concerned to show how the United States under the aegis of Thomas Jefferson had become an ally - all the more dangerous because secret - of the Emperor of France. Whatever may have been the motive of the author, no better time could have been chosen and no argument better suited to arouse the anger and hostility of the average Englishman.<sup>2</sup>

The author saw with regret a disposition on the part of many British people to close their eyes to the fact that there was in America "a determined aversion ..... towards Great Britain". It was due to ignorance of the state of affairs in America. He claimed to have first hand knowledge and experience of the conditions of society in the United States and of the character of its people. They were bitterly hostile. All the friendly gestures which Great Britain had made since 1783 had been treated as matters of right and met with outrageous demands for further concessions. Her good faith had been returned by duplicity. All this was /

<sup>1</sup> F.O. V. 55, contains several letters in which Champion's authorship is clearly stated. The letters are addressed to Canning, from 331 Strand, but contain no other information as to the author.

<sup>2</sup> Nothing was too fantastic to be believed of Napoleon. Cf. "Contemporary English View of Napoleon".

was due to the domination of French influence, which first came into favour with Thomas Jefferson.

"At this period is to be dated the birth of that political bantling in America, that has now arrived to a colossal size - French influence."<sup>1</sup>

At the beginning Washington had striven to combat the growth of this influence, but, with the rise to public favour of Jefferson with his French connections and his control of the press, this attempt was doomed to failure. Citizen Genet whose Girondin enthusiasm had caused Washington to take action against him was much more than a friend of Jefferson's. He was his guide and teacher.<sup>2</sup> When the American people accepted Jefferson they proclaimed to the world their willingness to follow in the same school. His subsequent popularity was a proof of their sympathy with France and hostility to Great Britain;<sup>3</sup>

"the acts of this government that have been so tamely acquiesced in by the people will claim our notice. I mean the votes for money which has been advanced to France. Not two years since two /

<sup>1</sup> "A True Picture of the United States of America", London, 1807.

<sup>2</sup> "He had initiated him into mysteries which had inflamed his hatred against all those who aspire to absolute power". op. cit. p. 47.

<sup>3</sup> op. cit.

"two millions of dollars were appropriated to: ward the negotiation which it was said the government had entered into for the Floridas. The minority in America have often asked the question - To what purpose they have been applied? No further reply has been given, than an obser: vation in the President's late message in which he notices the delay in the negotiations with Spain and concludes by saying that 'it will be necessary to wait in order to see whether negotiations are to be protracted in Europe while hostilities are to be pressed in America.' That this money, if gone to France, is a palpable in: fraction of neutrality cannot be doubted. That it is gone into the coffers of Buonaparte I think there can be as little doubt. Mr. Ran: dolph declared in his place in Congress that the secretary of state told him that France 'wanted money and must have it'.

It is not the business of this country any more than it is its inclination to interfere with the domestic affairs of a foreign nation. But when that nation is seen as the secret ally of our enemies and is known under pretences of pur: chases of territory never intended to be de: livered, and of debts long since liquidated to be /

"be supplying her with money it is time to speak out. It is time for the nation to make itself heard and in a way too that the spirit and independence for which it is celebrated shall indicate."

Three times at least Champion sought to bring his pamphlet to the notice of Canning. The minister does not seem to have favoured him with a reply, but the attempt would seem to indicate a presumption that the sentiments expressed in "A True Picture of the United States of America" would not be altogether out of harmony with the opinion of the government. Champion no doubt felt that he was discharging a patriotic duty and deserving of reward. Even the 'Morning Chronicle', the one outstanding champion of America's cause, opposed to the government and indebted both to Brougham and Baring for censure of its American policy, looked with a suspicious eye on some of Jefferson's diplomacy. A propos of this very subject of the Floridas, it said;

"The intelligence from America is very curious.

It /

( F.O. V. 55, letters to Canning, July 16, 29, Aug. 9, 1807.

2 v. letter of Brougham to Allen (of Holland House). "I think every prose article or paragraph of late weeks inserted in the Morning Chronicle has come either from Lord Holland or you or me", printed by Aspinall "Brougham and the Whig Party". Baring contributed the "Six Letters of A.B."

"It appears that the American legislature have agreed to authorise the President to employ the sum of 2,000,000 dollars to facilitate the negotiations with Spain and it is alleged that the sum has actually been sent to Buonaparte as a fee to purchase his good offices. It is possible that this is the purchase money for the Floridas which France is to compel Spain to cede and this is the price paid in advance. But whether as a fee or as a price paid to France for the territory of a third party the transaction appears to be of a very questionable nature.

.....  
 The purchase of Louisiana was a pitiful affair but nothing to this. "

Papers more in tune with the government and, therefore, more acceptable to the country gentry than whom the various Tory ministries of those years had no stauncher adherents, spoke even more definitely. Although, generally, the 'Times' did not commit itself it published now and again lists of American ships taken in French ports, which in view of the repeated assertions /

/ Morning Chronicle, 21st May, 1806.

2 In a list printed May 4th, 1808, several American ships /

assertions made by America that the French decrees were not intended to operate against her, must have worn a dubious look. Occasionally, too, letters appeared in which American partiality towards France was made a subject of comment.<sup>1</sup>

Other papers were more outspoken. 'The Sun' had nothing good to say of America or Americans. George Rose, whom Auckland specially noticed as a man well known for his hostility to America,<sup>2</sup> had a large interest in this paper.<sup>3</sup> It did not hesitate to express similar views. Any expressions of bitterness in the American press were quickly seized upon and used as arguments why no generous sentiments should be entertained in Britain towards America.<sup>4</sup> On the promulgation of the Orders in Council of November 1807 much was made of American acquiescence in the new rulings of Napoleon on neutral trade.<sup>5</sup> It was stated on the authority of "a gentleman /

ships and cargoes appear. A list appeared April 16, 1810, of ships carried in since 1809;

50 ships were carried in to France.

44 " " " " " ports of Spain.

12 cargoes were sequestered in Holland.

31 cargoes were sequestered and sold by order of the Government of Naples.

<sup>1</sup> Times, Jan. 15, 16; Feb. 8, 15, 1810.

<sup>2</sup> Auckland to Grenville Oct. 16, 1807, Hist.MSS. Comm. Fortescue IX.

<sup>3</sup> Fox-Bourne, vol.1, p.288.

<sup>4</sup> "Sun", Sept.1, 1807. <sup>5</sup> "Sun", Nov. 20, 1807.

"gentleman ..... arrived three days since from Paris, that General Armstrong the American minister in that city has lately had repeated interviews with the French government on the subject of the subsisting relations between America and this country. Buonaparte has issued both promises and menaces to excite the United States to declare war against us. The Floridas were offered as the price of their hostility and it was afterwards suggested that one of the Spanish West India islands would be added... "

Jefferson's address to Congress on 27th October, 1807, was in due course reported in the 'Sun'. In the address Jefferson had shown some disposition to quarrel with the British claim to retaliate upon France. The 'Sun' made these comments;

"The President takes notice of our Orders of the 7th January which he reprobates as 'a violation of the maritime rights' of America, but to the conduct of France scarcely any allusion is made. "

and further,

"Upon the whole little is to be gathered from this long speech, but a proof of the extreme coldness of Mr. Jefferson towards this country and of an unquestionable partiality towards France. "

The /

! "Sun", Nov.23, 1807. 2 "Sun", Dec.7, 1807.

The Jeffersonian patience was indeed strongly suspect. The Embargo afforded yet another instance.

"The intelligence from America by the 'Hope' is not of very great importance. Mr. Jefferson still persists in continuing the Embargo..... he appears resolved to submit with philosophical calmness to all the insults and injuries which Buonaparte may think proper to heap upon the Americans. "

In 1807 the possibility of war with America was sufficiently near to make it a subject of common talk. In November the 'Morning Post' in commenting upon the salutary effects of such an event showed that it also regarded Franco-American relations with suspicion.

" ..... a few months of war would inflict upon her a chastisement that would not fail to convince her of the folly of her conduct and by dispelling the Gallic mist from before her eyes enable her to discover the true and safe channel of her prosperity. "

But what in 1807 was regarded as "folly" developed as the years passed into conscious error and the "gallic mist" into a guiding star. Not the least /

1 "Sun", Aug. 20, 1808.

2 "Morning Post", Nov. 23, 1807.



least influential in bringing about this hardening of opinion was Jefferson's choice of foreign ministers. Nathan Haley dispatched by Jefferson as one of his envoys to France was "the self same identical piratical scoundrel that ran off from London in the year 1797 with the American ship 'Hare' belonging to Isaac Clason of this city and took her into the port of Dieppe in France where she was condemned and that at the same time this fellow bore a French commission".<sup>1</sup> The 'Times' particularly recommended this notice to those "who would understand the spirit and tone of Mr. Jefferson's administration and the principle of his subordinate agents". It regarded Mr. Nathan Haley as "a very meet internuncio between Mr. Jefferson and Mr. Buonaparte".<sup>2</sup> The appointment of Joel Barlow to the court of France by Jefferson's successor in 1811 was regarded as a hostile gesture.<sup>3</sup> /

<sup>1</sup> from the "New York Evening Post" in "Times" of Sept. 16, 1808.

<sup>2</sup> "Times", Sept. 16, 1808.

<sup>3</sup> "Joel Barlow the Democrat and Atheist author of the pamphlet entitled 'The Privileged Orders; a ci-devant member of the London Corresponding Society, and of the French National Assembly during the reign of Robespierre, has always manifested a rancorous hostility against England his native country. His appointment, therefore, to be ambassador from the United States to Bonaparte shows anything but a spirit of conciliation from the American government to Great Britain."

Edinburgh Advertiser, April 23, 1811.

gesture. The friend of Priestly and Tom Paine and quondam member of the London Society for Constitutional Reform,<sup>1</sup> Barlow represented the extreme of Jacobinism and all that was most detested by the landed and propertied classes. In 1808 the 'Courier' had published a letter from General Armstrong, American minister at Paris, to M. Champagny, minister for foreign affairs.<sup>2</sup> It proposed a commerce between France and America on certain conditions. The American ships were to agree to take a return cargo of French goods,

"ships sailing under this regulation would or would not go voluntarily to England. If they went voluntarily it would only be because that country afforded the best markets for the production of France, in which case the habitual results would be entirely changed and England ceasing to receive a balance of her manufactures would begin to pay one to the United States on the productions of France. Could France wish a state of commerce more prosperous than this?

If on the other hand the American ships did not go voluntarily to England but were captured and sent in for adjudication it may be fairly /

<sup>1</sup> v. American D.N.B.

<sup>2</sup> "Courier", Dec. 31, 1808.

"fairly presumed that the United States would no longer hesitate about becoming a party in the war against England. "

In England this letter was regarded as manifesting "the disposition of the American government to this country and its partiality to France." But what contributed most to harden British opinion - and especially official opinion - was the persistence with which after 1810 the Americans maintained that the Berlin and Milan Decrees were repealed. Pinckney asserted for the American government that they were, and argued that repeal of the British Orders should follow; Wellesley for the British denied the truth of his premises. A well known Scots paper put the general British opinion in a few well chosen words -

"Where proof can be obtained of the Decrees being in existence we have it, namely in the ports of France in which vessels have been avowedly seized since Nov.<sup>2</sup>1. "

Pinckney was only carrying out the instructions of his government, now under the presidency of Madison, when he kept demanding repeal of the British Orders. The demand was based upon the statements of the Duc de Cadore /

<sup>1</sup> Farington Diary. vol.V, p.108.

<sup>2</sup> "Edinburgh Advertiser", Feb. 11, 1811.

Cadore which Madison accepted without question but which Wellesley and the British government did not.

The "Courier" was at this time one of the most widely distributed of London newspapers and in very close touch with the government.<sup>1</sup> It selected for special comment the attitude of the American president,

" ..... while he regards France with fear or more probably with favour he has a most jealous and resentful temper towards England." <sup>2</sup>

Even the "Times", prepared as it was to see both sides of the question, began to look askance at Madison. In America, Federalist pamphlets and newspapers were bitter against him, accusing him of gross partiality towards, and even of a secret understanding with France. Some of these were published in London,<sup>3</sup> and the "Times" frequently printed excerpts of a similar trend from American newspapers. In April 1810 it printed a leader from the "Baltimore Republican" in which Madison's policy /

<sup>1</sup> "knowing as I did before (what Mr. Stewart himself probably does not know) the peculiar hold which the Treasury has upon the conductor of the "Courier", Mr. Street". Canning to Huskisson. Add.MSS. 38737 f. 412.

<sup>2</sup> "Courier", July 31, 1812.

<sup>3</sup> "The True Policy of Mr. Madison Unveiled"; "Randolph and the Neutral Question" etc.

<sup>4</sup> "Times", April 5, 1810.

policy towards Spain was severely criticised. Spain was at this time the ally of Great Britain. For Madison to push his claims to the Floridas was to force Spain to a declaration of war - a war which must involve Great Britain. America, in such an event, could rely upon an alliance with France, and this, it was suggested, was Madison's real aim. In 1811 several letters appeared in the 'Times' over the initials 'I.S.' They were to the effect that America, despite her many protestations to the contrary, was not impartial in her conduct to the two belligerents but applied to their respective policies quite different canons of criticism. Thus while the practical effects of the British Orders in Council were cited against this country, the purely hypothetical repeal of the French Decrees was accepted without demur.<sup>1</sup>

The 'Morning Chronicle' could not close its eyes to these facts, but, unlike the other papers, it was not disposed to regard America as anything more than the unfortunate dupe of French diplomacy. It never regarded her as willingly aiding French schemes - far less understanding them - but censured the British government which was forcing her to accept the friendship of Napoleon.<sup>2</sup> The 'Morning Post' on the contrary had /

<sup>1</sup> "Times", Jan.8, 10; Feb.3, 12, 1811.

<sup>2</sup> "Morning Chronicle", March 28; Nov.8; Dec.24, 1808 etc.

had no excuses to make. When at last Congress declared war, Madison issued a proclamation justifying the act. In due time this found its way into the British news: papers. Commenting on it the 'Post' said;

"As to the feelings of Mr. Madison look to his conduct with the French. This is the true key to all his proceedings. To turn all the injuries of France into acts compatible with peace, to turn all the conduct of England into injuries incompatible with peace seems the only principle of his policy and clue to his actions." <sup>1</sup>

"I.S." writing again in the 'Times' was equally emphatic. Examining Madison's statements on impressment he came to the conclusion that the charges had neither legal foundation nor practical application. They were inserted solely to arouse popular fury. Madison's claims for the neutral flag "at first sight discover the cloven foot of Buonaparte". <sup>2</sup>

Similarly the Quarterly Review, <sup>3</sup> the Gentleman's Magazine, <sup>4</sup> the European Magazine, <sup>5</sup> the New Quarterly <sup>6</sup> contained /

1 "Morning Post", Aug.3, 1812. 2 "Times", Aug.12, 1812.

3 "Quarterly Review", v.7, p.1, 5, 6, 11.

4 "Gents' Mag." v.77, 1, p.249.

5 Referring to the Chesapeake-Leopard incident "We have no doubt but that French emissaries are employed in America". v. 52.

6 v. "New Quarterly" no.4.

contained reflections more or less pungent on Anglo-American relations. Even the Edinburgh Review would brook no sacrifice of what it regarded as British rights and dignity.<sup>1</sup>

Finally there was nothing attractive in American society for the average English gentleman. The Quarterly describes the social condition of America as "semi-savage".

"Living in this semi-savage state the greater part of the Americans are so accustomed to dispense with the comforts of life which they cannot obtain that they have learned to neglect even those decencies which are within their reach."<sup>2</sup>

Not only neglect of but contempt for art and literature,<sup>3</sup> and a disregard for ordinary social decencies were prevailing characteristics. A bigotted Calvinism or complete irreligion took the place of ordinary worship.<sup>4</sup> Slavery was everywhere prevalent and law and order everywhere held in contempt.<sup>5</sup> The English middle class would /

<sup>1</sup> "Edinburgh Review". <sup>2</sup> "Quarterly Review" v.2, p.333. v.XXI. pp.1-31.

<sup>3</sup> Augustus Foster to Lady Elizabeth Foster ("The Two Duchesses" p.203).

<sup>4</sup> Janson "Stranger in America"; Farington Diary VI.246.

<sup>5</sup> "Travels" of Lt. Francis Hall; of Henry Bradshaw Fearon; Porcupine's works, passim, Parkinson vol.1.

would have none of these things and it was only heaping fresh fuel on the fires of resentment to claim that America was a working example of democratic principles of government.'

' Bentham made this claim - America afforded to Radicalism the proof of experience, v. "Radicalism not Dangerous" part III, Collected Works, London 1843, v.III. It is also to be met with in other writers, as Lieutenant Francis Hall and Iniquin the Jesuit (Jared Ingersoll). The Americans themselves always claimed to be, "the most virtuous, free and enlightened people on the face of the earth". Cf. Quarterly, vol.X, p.500.



THE LEGAL FACULTY.

In April 1806 Auckland wrote to Grenville on the American dispute;

"I have long thought that the prejudices or habitual opinions of some leading civilians at the Cockpit tend to inflame that discussion more than in political wisdom is desirable."<sup>1</sup>

He was thinking of Stephen - and here probably is the true setting for "War in Disguise". It was a legal pamphlet. Stephen had returned from St. Kitt's where he had had ample opportunity of studying the many weaknesses and irrelevancies of maritime law, and he soon won for himself a large and lucrative practice in London.<sup>2</sup> All the circumstances of his life, therefore, agree in postulating for his work a legal, albeit national aim. If it provided a legal basis for the Orders in Council, and Stephen became afterwards a principal defender of these measures, it is still doubtful if one has any right to reason backwards from these to an ulterior commercial motive in the original work.

Channing /

<sup>1</sup> Auckland to Grenville, 7th April, 1806.  
Hist. MSS. Comm. Fortescue Vllll.

<sup>2</sup> "Gent's Mag.", Novr. 1832.

Channing describes it as "a tract on trade",<sup>1</sup> and Morrison, declaring that British shipowners financed a campaign against the neutral flag, includes "War in Disguise" as one of their investments.<sup>2</sup> I have already shown that this work received no special notice or commendation from the official organs of trade such as these were at the time. Moreover, none of his friends ever imputed a commercial motive to Stephen. On the contrary, one of the nearest and best informed cites "War in Disguise" as a reform pamphlet - an anti-slave trade publication, which without actually mentioning the trade sought to hamper it by increasing the difficulties and risks of carriage to the enemy colonies.<sup>3</sup>

Stephen's attitude however, is best illustrated by reference to his work. After a brief introduction is which he points out the inadequacy of British measures of retaliation upon France, because, "the shield /

<sup>1</sup> Channing, "History" vol. 4, p.356.

<sup>2</sup> Morrison, "History" vol. 1, p.259.

<sup>3</sup> "Life of Wilberforce" vol. 3, p.234.  
v. Appendix.

"shield of an insidious neutrality is cast between the enemy and the sword of our naval power" he proceeds to offer his contribution to the solving of the difficulty.

Firstly he deals with the origin, nature and extent of the evil. In the Seven Years' War France, contrary to all previous usage, opened her colonial trade to neutrals. This gave cause to Great Britain to express her attitude to the innovation in what came subsequently to be known as the rule of the war of 1756, which simply denied to neutrals the right to take part in time of war in a trade not open to them in time of peace. It represented a principle which had long been accepted in Europe. During that War and after it the rule of the War of 1756 was insisted upon by Great Britain and acquiesced in by the rest of Europe. Great Britain had, it was admitted, acted upon it with varying degrees of strictness - but her relaxations had never been such as to invalidate the right. The circumlocutionary voyage was an example of such a relaxation but the right was not thereby in any way impaired.

The results of this relaxation and the various subterfuges resorted to by the neutral carrier were seen in the low prices at which West India products sold in enemy /

/ "War in Disguise", p.10.

enemy ports as compared with British,<sup>1</sup> but chiefly they were to be seen in the aid which they afforded Napoleon. The activity of the neutrals was a great help to him in building up a navy, for besides bringing him the necessary supplies, it relieved him of the need to protect outlying ports; freed his own men for naval service, and made concentration easy. Moreover, in proportion as it injured this country, by whatever means, it helped Napoleon. Thus "the worst consequence perhaps of the independence and growing commerce of America is the seduction of our seamen".<sup>2</sup> The intention of America, moreover, was not above suspicion, and it was well known that the Americans had actually sent vessels ready pierced for guns to the Havannah and other ports of Britain's enemies for sale.<sup>3</sup>

But the worst consequence of the law as it stood with reference to neutral rights was that while these things were going on, and were known to be going on, the British seamen could do nothing for the only captures on which they could rely were those founded on a breach of blockade.<sup>4</sup>

Passing /

1 "War in Disguise", p.105.

2 Do. p.117.

3 Do. p.125.

4 Do. p.131.

Passing secondly to the remedy and the right of applying it, it followed logically from his first explanation that the origin and nature of the evil was due to departure from the law, that the remedy lay in a return to it.

"If neutrals <sup>have</sup> no right but through our own gratuitous concession to carry on the colonial trade of our enemies we may after a reasonable notice withdraw that ruinous indulgence and meantime hold those who claim the benefit of it to a strict compliance with its terms. If after the revocation of the licence the commerce shall be still continued we may justifiably punish the violators of our belligerent rights by the seizure and confiscation of such ships as shall be engaged in the offence together with their cargoes."

From this it would follow that the enemy would be forced to sail under his own colours and the British seaman, faced again with clear legal distinctions, would secure his just prize.

Moreover, the justification for applying this remedy was not far to seek. One need only look at the true /

1 "War in Disguise", p.137.

true aims of Napoleon.

"Quo animo - with what intention did the enemy open the ports of his colonies to foreign flags?

If it was for commercial views or for the mere sake of imparting a benefit to friendly powers their acceptance of the boon may perhaps be justifiable, but, if the single, manifest, undissembled object was to obtain protection and advantage in the war, to preserve his colonial interests without the risk of defending them, and to shield himself in this most valuable part against the naval hostilities of England; I say if such was the manifest and known purpose of the measure, I see not how any dispassionate mind can doubt for a moment that a co-operation in such an expedient by powers in amity with England was a violation of the duties of neutrality.

The motive, indeed, on their part may not have been hostile; it was the covetous desire perhaps only of commercial gain; but if they give effect to a belligerent stratagem of our enemy whether of an offensive or defensive kind, knowing it to be such, they become instruments of /

"of his insidious purpose and accomplices in his hostile act."

Lastly Stephen turned to consider the expediency of re-affirming the old maritime laws. Having shown not only that we had the established right so to re-assert them but also an immediate justification the only question left to consider was this of expediency. It might involve Great Britain in a war with America. While admitting the possibility of this Stephen did not think it probable. Such a policy on our part could only affect American trade in certain of its branches, and he was of opinion that they would not "maintain their pretensions to the trade in question at the expense of Great Britain. I am sure they ought not whether they regard their honour, their duty, or their interest." <sup>1</sup> Under honour and duty he set kinship and a just understanding of the situation in which Great Britain found herself, namely, the last bulwark against the despotism of Napoleon. It was to the interest of America to preserve this. The triumph of Napoleon must be fatal to the dearest republican ideals of America. <sup>2</sup> Let the British navy be swept from the seas and the Atlantic would offer no barrier to him. /

<sup>1</sup> "War in Disguise", p.184.

<sup>2</sup> Do. p.191.

him. Finally let the Americans consider who among them were profiting by the illicit trade - a few merchants, mostly natives of other countries, who when the time was ripe would return home to enjoy their ill-gotten gains.<sup>1</sup> These men did not represent the true interests of America.

But if war could not be avoided Stephen was prepared to recommend it rather than a continuance of submission to Napoleon's system, and while admitting all its difficulties and discomforts, he felt confident that the event would be successful, and the results beneficial. Not the least of these would be that our naval strength would be secure; "take care of your maritime system and your commerce will take care of itself." <sup>2</sup>

Stephen's thesis may be reduced, then, to this, that the rule of the war of 1756 was a definite and recognised principle of the law relating to intercourse between nations, that Great Britain, although admitting from time to time exceptions thereto, had never renounced the principle, and, therefore, she had now, in view of the need created by Napoleon's Decrees, the right to re-assert the law in all its strictness. He /

<sup>1</sup> "War in Disguise", p.192.

<sup>2</sup> Do. p.206.



He differed in no way from Sir William Scott and together they represent a definite and well reasoned attitude, not without support in other parts of Europe.

Against this position one line of attack was open /

The Rule of War of 1756 has its foundation in the principle that a belligerent has the right to prevent neutrals trading on behalf of the enemy; in other words identifying themselves with the enemy. An express recognition of this right is contained in the Prussian answer to the English Law Officers Report in the Silesian Loan Dispute. v. Piggott "Freedom of the Seas Historically Treated" and De Martens "Cause Celebre" v. 11, pp.78-9:-

" - c'est constamment une maxime du droit des gens que le vaisseau libre rend la marchandise libre, et que tous les effets trouves sur un vaisseau ennemi, sont de bonne prise: d'autant que cette regle termine toutes les contestations concernant les cargaisons, et laisse a chaque nation neutre la puissance d'un commerce libre a l'egard de tous les effets qui ne sont pas de contrebande, et de tous les ports qui ne sont pas bloques par des vaisseaux de guerre aussi longtemps qu'elle ne poursuit que son propre commerce, sans s'engager a ce qu'on peut appeler avec raison faire le commerce des ennemis pour eux. Car alors elle n'agirait plus comme une puissance neutre mais commeallee et auxiliaire de l'ennemi et si sur un aver: tissement convenable elle ne s'abstenait point d'une pareille manoeuvre elle meriterait d'etre traitee en ennemie. "

open. It was taken by America. It was to deny the major premise of the argument, namely, that the rule of the War of 1756 was a valid principle of international law. Whereas Stephen, Scott and others of a like mind sought their highest sanction for this law in precedent and usage the Americans tended to seek it in a mythical Law of Nations based chiefly on doctrines of natural rights. Obviously there never could be agreement between these two, but the American attitude, if it served no other purpose, helped to systematise the law with regard to neutrals for the future.<sup>1</sup>

In England Scott and Stephen were attacked by Erskine,<sup>2</sup> but the sum of his arguments is rather a reflection on the conduct of the two belligerents as being inimical to the high ideals of the Law of Nations and the best interests of humanity - a thing agreed upon by most people - than a systematic attack on Scott and Stephen. Other opponents mostly confined themselves to questioning the legality of the Orders in Council in terms of municipal law.

On the whole one may say that the attitude of /

<sup>1</sup> Oppenheim "International Law", vol.11. War and Neutrality pp.393-4.

<sup>2</sup> Hansard X. p.929.

of Scott and Stephen was that most generally accepted by such as interested themselves in the legal aspects of the dispute, and in the matter of assessing influence it is scarcely necessary to do more than repeat that Scott was head of the Court of Admiralty and Stephen probably the most outstanding Prize Court judge.

THE EAST INDIANS.

A number of the pamphlets written against America make mention of American successes in the East India trade as yettananother reason why British commercial policy should be one of exclusion.<sup>1</sup> The gentlemen composing the Honourable Company of Merchants trading to the East Indies do not seem to have felt the same concern.

It was usual for reports of their meetings to be published in the newspapers of the time. These reports were inserted by the secretary at the injunction of the Committee and can therefore be taken as authoritative. Only very occasionally in the course of these is there to be found mention of America as a commercial rival. For instance on 25th April, 1808, Mr. Randle Jackson, in criticising the government generally, made reference to losses sustained by the Company in this particular direction;<sup>2</sup>

"Even /

<sup>1</sup> "Concessions to America", "American Encroachments etc!" - letter of "A German Merchant" in Times Sept.6, 1805.

<sup>2</sup> "Morning Chronicle", April 26, 1808.

"even in their commercial revenue the Company had been considerable losers by the Acts of Government. By the American treaty that country had been allowed greatly to encroach upon it,<sup>1</sup> till within these few years while the proprietors had been debating in that hall on the preservation of their exclusive privileges - they had so far lost that title which Lord Melville had been accustomed so fondly to bestow on them - the Emporium of Eastern Trade and riches - which had to the extent of nearly a half now devolved on America. "

But this is almost a solitary instance. It points the way in which one would expect the East India merchants to think, being monopolists, but it also gives force to the conclusion that they were not greatly perturbed by American competition.

Further corroboration comes from a contemporary publication, the work of a servant of the Company.<sup>2</sup> The author recognised the fact that American activity /

<sup>1</sup> Jay's Treaty had opened the East India trade

<sup>2</sup> "Oriental Commerce, Deduced from authentic documents and founded upon practical experience obtained in the course of seven voyages to India and China, by Wm. Milburn, Esq. of the Hon. East India Co.'s service." London 1813.

activity in the East had been steadily increasing, and did not hesitate to state that the American was Britain's chief rival:

"The commerce carried on by the Americans with the British settlements in India has been gradually increasing, which is owing to the facilities granted them by treaty between the two governments in 1794, to the belligerent state of Europe since that period and above all to the neutral character they have possessed which has enabled them to navigate more cheaply and expeditiously as well as more safely than the English merchant or East India company could, and to supply many parts of the European continent and South America to which English ships have not had access; to these may be added the increase of the consumption of eastern commodities among themselves. These advantages with that of their speaking the same language, and their social intercourse in the British settlements render them the most formidable rivals of the English in the trade with the East Indies. "

At the same time, however, the author expressed no resentment, and showed very clearly that the /

the increase in American commerce was due to unusual circumstances and that with the passing of these the American rivalry would cease to be formidable.

"From the state of European warfare, the Americans, being a neutral nation, have derived great advantages; they have had access to countries from whence the English were shut out, where they disposed of considerable quantities of the commodities of India and China; but the war between Great Britain and America has put a stop to this; otherwise on the return of peace, all these advantages would have ceased, as America cannot maintain a successful competition against the Company either in India or in China."

A glance at the returns of the Company over the period, moreover, show that although there was considerable trading with America it was not attended with any nett loss to the Company.

A table is given for all parts of British India.

Merchandise /

1 "Oriental Commerce", v.11, p.485.

Merchandise imported into all parts of British India from the United States -	<u>Sicca Rupees.</u> 337,03,600
Merchandise exported from all parts of British India to the United States -	<u>49,36,963</u>
Imports exceed exports by -	287,66,637
Treasure imported from the United States 313,97,514	
Treasure ex: :ported to the United States <u>1,54,176</u>	<u>312,43,338</u>
Balance in favour of British settlements -	600,09,975

which at 2/6 per rupee is £7,501,246: 17: 6. on an  
average of five years; £1,500,249: 7: 6. per annum.<sup>1</sup>

Nor does the East India Company's shipping seem to have been adversely affected by the American competition. During the six years 1792-97, 241 ships were sent out. Of these 7 were lost or burned and 4 were captured. During the six years from 1801 to 1806, 358 ships were sent out, 8 were lost and 7 captured. At the beginning of our period then, the East India Company had no special reason to be interested in the American shipper. Their losses, if any, were purely relative, and they were confident of the Company's ability, on the return of normal conditions, to out manoeuvre /

<sup>1</sup> "Oriental Commerce", v.11, p.135.

<sup>2</sup> "Annual Register", v.L111., p.489.



manoeuvre any competitor. As time went on the re:  
:newal of their own charter and the opposition which  
it aroused eclipsed all other interests.

"THE TIMES" and "THE MORNING CHRONICLE".

"The Times" set out in life with the avowed intention of presenting its news and comment in a manner acceptable to "the liberal and enlightened mind".<sup>1</sup> Three months later it could repeat this statement of its ideal and at the same time claim some measure of success in its pursuit. "To in: :decent language or double-entendre" no place was to be given, nor was it to contain "any passage capable of insulting the eye or ear of modesty", but instead its editor promised "to look at all public affairs and all matters which concern or interest the public with the eyes of an English citizen of virtue, good sense, and intelligence".<sup>2</sup> Plainly, John Walter intended his newspaper to be read by a cultured and educated /

1. "The Times", Jan. 1st, 1788.

2. Do. March 25, 1788.

educated public. A hundred years later "The Times" claimed that these hopes and aspirations had been realised.<sup>1</sup> It remains to be seen what external evidence there is to support the claim.

In 1816 "The Times" claimed to be "the leading journal of Europe", and, according to one of our most prominent early historians of the press, had its claims allowed.<sup>2</sup> Certainly during the early years of the nineteenth century, and during the period under review, it is the most frequently cited of all newspapers in the memoirs, letters and diaries of politicians and gentlemen of fashion.<sup>3</sup> Lady Bessborough took it for granted that Granville Leveson Gower /

1. "The Times", Jan. 2, 1888.

2. Grant, "The Newspaper Press", 1, 444.

3. v. "Correspondence of Lord Granville Leveson Gower", 11, 223, 274, 303; "Croker Papers", 1, 8, 37, 38; "Creevey Papers", 357, 390; Gore, "Creevey's Life and Times", 105, 136; "Farington Diary", 1, 228; VII, 216, 225; Hist. MSS. Comm. Fortescue 1X, 373, 376, 401; Fortescue X, 26, 80, 89, 381, 449; Bathurst, 153.

Gower "took in" "The Times".<sup>1</sup> Joseph Farington, whose Diary covers the early years of the century with some: thing of the thoroughness of Pepys, seems to have regarded its comments as the only newspaper dicta worthy of repetition.<sup>2</sup> Thomas Grenville recommended it to his brother as the best means of making public to the voters an important letter in Lord Grenville's candidature for the Chancellorship of Oxford in 1809.<sup>3</sup> It was read alike in the Coffee Houses<sup>4</sup> and at Court.<sup>5</sup>

Grant /

1. Lady Bessborough to Granville Leveson Gower Oct. 29, 1806, "I conclude you take in "The Times", it has the foreign news at least one day sooner than any other". Correspondence of Lord Granville Leveson Gower, 11,223.

2. Entry under Dec. 24, 1813, containing notice of a speech by Napoleon to the Legislative Assembly on the subject of peace, Farington writes, "The observation of the Times newspaper was that "It was a tissue of unmeaning commonplaces signifying nothing". " Diary, VII, 216. Farington does not quote from any other newspaper although he read both "The Morning Chronicle" and "The Courier".

3. "I have talked to Tucker about the papers; ..... he proposes printing the letter and postscript - if you approve of it - in The Times". Hist. MSS. Comm. Fortescue LX, p.373; v. also 376, 401.

4 The first issue bearing the name "The Times" in course of giving reasons for the change "Universal Register" shows that it was commonly to be seen in Coffee Houses, cf. "Boy bring me 'The Register'. The waiter answers, "Sir, we have no library, but you may see it at the New Exchange Coffee House". "Then I will see it there", answers the disappointed politician, and he goes to the New Exchange Coffee House and calls for "The Register" etc. etc. "Times", Jan. 1, 1788.

5. "The Prince asked Perceval as to what passed in the House /

Grant, one of the earliest writers on the newspaper press, says "one of the leading attributes of the circulation of "The Times" is its universality. The Times is read by all ..... there is not a member of either House of Parliament who does not regularly read it; there is not a gentleman's club which does not take it in." - and although it must be admitted that Grant wrote some little time after our period his subject is the causes which had contributed to the steady success of the newspaper and his remarks must be admitted to have some retrospective significance.

In the sphere of international politics its power and influence were widely acknowledged. Napoleon is said to have been acutely sensitive to its invective, and on one occasion at least to have contemplated instituting proceedings for libel against it in the court of King's Bench.<sup>2</sup> Whether rightly or wrongly /

"House of Commons last night, and on his account observed that 'The Times' had given the only correct report." Feb. 13, 1811. v. Hist. MSS. Comm. Bathurst 153.

1. v. "The Great Metropolis (London 1836)", 11, 8.

2. v. Grant, 1, 443; Markower, "Notes upon the History of "The Times"", p. 13.

wrongly, it was already acquiring that quasi-official character which it had quite definitely in the later years of the century under Delane and his successors.<sup>1</sup> Its editors and its writing staff moved freely in the upper ranks of London society,<sup>2</sup> and together with its great rival "The Morning Chronicle", which also enjoys frequent and notable mention in contemporary letters and diaries,<sup>3</sup> "The Times" may be said "to have represented with some accuracy ..... the attitude of educated public opinion on the most contentious questions of the day".<sup>4</sup>

In 1805, after the publication of Stephen's pamphlet /

1. Melvin, "Napoleon's Navigation System", 42, shows what reliance Napoleon put on its news. c.f. also letter of Earl of Carysfort (from Berlin) to Lord Grenville, Dec.5, 1800, in Hist. MSS. Comm. Fortescue VI., p.403.

2. v. Farington Diary, IV., 44; III, 102 n.; Grant, I, 231.

3. "Correspondence of Lord Granville Leveson Gower" II, 408-12; 322; "Creevey Papers" 4; "Further Memoirs of the Whig Party" II; "Farington Diary" IV, 104, VII, 213; Hist. MSS. Comm. Fortescue VIII, 12; Fortescue IX, 145, 148, 241, 247, 364, 367, 368, 395, 397, 399, 433.

4 Woodward "War and Peace in Europe", p.172.

pamphlet "War in Disguise" had drawn attention to the American neutral traffic, "The Times" printed excerpts from it on three occasions.<sup>1</sup> One letter appeared from "A Merchant Trading to Germany" who may have been Joseph Marryatt,<sup>2</sup> but these constitute the only instances of feeling against America, or indeed of interest beyond that which was natural in the ordinary course of commerce. On the 17th of April it printed the second inaugural address of Jefferson, delivered in Washington on March 4th, in a column and a quarter,<sup>3</sup> but in January it had telescoped news of the appointment of an American ambassador to Madrid, of the movements of Joseph Buonaparte and his lady, of the arrival of General Turreau, and of the measures taken by the United States for the protection of their ports, all into less than half a column.<sup>4</sup> At this time /

1. "War in Disguise" was published about the 20th of October, extracts in "The Times" of 24th and 29th Oct. and 2nd Novr.

2. v. "Times", Sept. 6, 1805. There are similarities in the argument with that of "Concessions to America". The stressing of the advantage enjoyed by U.S. shipping from the low rates of insurance is particularly noticeable.

3. "Times", April, 17, 1805.

4. Do. Jan. 9, 1805.

time too there is no evidence of suspicion that the United States might lean with favour towards France. On the contrary, "The Times", reporting depredations by "the French piratical marine ..... upon the trade of the Americans in the West Indies", also states quite clearly that it is "likely to be strongly remonstrated against".<sup>1</sup> Still, in July of this same year "The Times" could announce,

"Yesterday we received New York papers to the 27th and Boston papers to the 31st of May inclusive. Their contents are of little importance".<sup>2</sup>

The war with France overshadowed everything. The death of Nelson, the death of Fox - these were the really important matters. On these occasions the leading newspapers were printed with a black border.<sup>3</sup> During 1806 "The Times" showed no increased interest in American affairs. The adventures of Aaron Burr provided the chief American interest until the Chesapeake incident in 1807 of which "The Times" printed both the American and the British versions.<sup>4</sup> But in July "The Times" had printed a few paragraphs from /

1. "Times", Feb. 9, 1805.

2. Do. July, 5, 1805.

3. Do. , "Morning Chronicle", Jan. 9, 1806.

4. Do. Aug. 1, 2, 3, 4, 5, 1807.



from "Concessions to America" and prefaced them with the remark "not only the West India planters but the British East India Company likewise suffer materially from the great lenity of this country towards neutrals".<sup>1</sup> And from this year onwards a gradual hardening of opinion may be noticed. It was shown both by comment and the nature of some of the items of news now selected for publication. Thus, when it became evident that Jefferson would not accept the Holland-Auckland Treaty "The Times" remarked,

"The American government will be considered as insensible to its real advantages or under an interest hostile to its real interests if it should not fully unite with the friendly and liberal spirit that has been manifested by Great Britain."<sup>2</sup>

and about the same time it selected for publication a letter from a French captain on the American station to General Turreau which could serve no other purpose than to prompt the suspicion that this "hostile interest" was French.<sup>3</sup> Letters too begin to appear in which the same doubts and suspicions are expressed, and American news on the whole increases in volume. In /

1. "Times", July, 21, 1807.

2. Do. April 20, 1807. "Times", Aug. 13, 1807.

3. Do. April, 3, 1807.

In 1810 reports of resolutions and debates in Congress occupy as many as four and a half columns as compared with a half in 1805 or 1806.<sup>1</sup> Discussing the resolutions in Congress of December 4th 1809, "The Times" declared that they were "unjust in professing to deal indiscriminately between us and France",<sup>2</sup> and during 1811 extracts, mostly from Federalist journals, continued to illustrate the growth of the war fever in America, and the influence of a strong pro-French party.<sup>3</sup> But still "The Times" continued to reserve its judgment. Even in the matter of the "Little Belt" it contented itself with publishing the British and the American statements of the occurrence,<sup>4</sup> while more extreme Tory journals did not hesitate to describe it as "an unprovoked attack on Great Britain".<sup>5</sup> Impressment was not discussed, and, when Madison included it among the reasons for the declaration of war, it was regarded as an addition for /

1. "Times", Jan. 12, 15, 16, 26; Feb. 8, 15, 1810.

2. Do. Jan. 12, 23, 1810.

3. Do. Dec. 7, 1811.

4. Do. June 20, 21, 1811.

5 "Edinburgh Advertiser", July 16, 1811; c.f. "Courier", June 22.

for the purpose of stimulating popular fury.<sup>1</sup> Yet despite this, "The Times" as late as the end of July 1812 was not disposed to regard war as likely.<sup>2</sup>

"The Morning Chronicle" showed a more sustained interest in Anglo-American relations. During 1805, however, as in "The Times" there was little American matter. The case of the "Essex" gave occasion for some remarks on the doctrine of the continuous voyage in which "The Morning Chronicle" tended to sympathise with the American claims,<sup>3</sup> but, while it admitted the justice of a claim to share in a commerce carried on by Great Britain herself, it also recognised, "that the Americans will claim a much greater latitude of neutral commerce".<sup>4</sup> Like "The Times" it expected the treaty concluded by Lords Holland and Auckland with Monroe and Pinckney to be accepted by Jefferson;

"The President must be sensible that he  
is /

1. "Times", Aug. 12, 1812.

2. Do. July 31, 1812, a settlement was expected as soon as news of repeal of the Orders in Council reached Washington.

3. "The Morning Chronicle", Oct. 19, 1805.

4. Do. Jan. 3, 1806.

"is in the wrong and the people of America clamorous as they are will hardly venture upon an unjust and unnecessary war in which their commerce and navigation would be utterly ruined".<sup>1</sup>

And again, in reporting the Chesapeake affair, "The Morning Chronicle" like its rival did not take sides, but it admitted there was talk of war in the City.<sup>2</sup> It printed the various American reports and its comment was unbiassed.

"We yesterday received American papers to the 3rd ult. As was to be expected the affair of the 'Chesapeake' has been taken up warmly by all the American parties who seem desirous of running a race of popularity in reprobating the conduct of our commander in the late instance. The American government in acting with prudence and wisdom must resist the pressure of this popular spirit which, however, though violent and ignorant is generally honest. Our government in acting with prudence and wisdom have to resist the pressure of a spirit not popular like that in America but as violent and as ignorant, with the addition of being in the highest degree select and sordid. We trust however that the

two /

1. "The Morning Chronicle", April 20, 1807.

2. Do. Sept. 18, 1807.

"two nations will not be plunged in a war to gratify the popular frenzy of the one or the commercial envy of the other. " "

If it believed in the existence of a French party in the United States "The Morning Chronicle" tended to identify it with the "popular spirit - violent and ignorant - but generally honest" and it continued always to believe that the American government would be wise and strong enough to resist it.

It was to be expected that "The Morning Chronicle" should attack the Orders in Council. These soon became the stalking horse of the Opposition and "The Morning Chronicle" reflected party feeling.

" ..... in viewing the probable operation of this measure it is in vain to shut our eyes to the broad and clear fact that America only is the neutral power to be affected by the measure ..... It is not to be enquired so particularly what right the Americans who tamely acquiesce in the aggressions of France have to complain of a measure which you only adopt; but rather it is to be enquired whether by throwing an obstacle /

1. "The Morning Chronicle", Aug. 6, 1807.

"obstacle in the way of their carrying of your manufactures you will not aggravate the calamities which you yourselves suffer and by that means bring about the real object of Bonaparte which is to excite a clamour in this country for peace. " /

A letter from "Britannus" in the issue for December 1st 1807 on the French decrees against British commerce illustrates how the reactions of French diplomacy on Anglo-American relations appeared to "The Morning Chronicle".

"Its intention was to embroil Great Britain and the United States which has long been a favourite project with the French government. They failed with the late administration who made an official declaration upon it, which could not be avoided though it was more than it merited. It had almost been forgotten among the other important efforts of the enemy. The second edition has produced the desired effect and drawn from the Portland cabinet the measure it was intended to provoke. A more palpable trick was never contrived in Benevento's office. No intended /

1. "The Morning Chronicle", Nov. 17, 1807.

"intended effect was ever more perfectly realised. " <sup>1</sup>

During all the time that the Orders in Council were under discussion "The Morning Chronicle" printed criticism of this kind - the arguments continuing to be the same and only the mode of expression changing.<sup>2</sup> But it is worthy of notice that America was not regarded as being privy to the schemes of Napoleon - at least not before 1811. But as the American government continued, even in the face of captures and sequestrations,<sup>3</sup> to declare that the offending French commercial decrees were repealed, a change began gradually to work even in "The Morning Chronicle". In March of 1811 it published a paragraph to the effect that,

"It is said, but we know not with what degree of truth, that ministers have received information of a proposal having been made by the Emperor Napoleon to the United States of America that he would lend them twenty-five ships of /

1. "The Morning Chronicle", Dec. 1, 1807.

2. Do. Feb. 22, 1808; Jan. 18, 1809; Dec. 19, 1810.

3. v. "Times", April 16, 1810; "Morning Chronicle", Sept. 25, 1810; June 29, July 24, 1811; June 7, 1812.

"of the line and ten frigates if their discussion with England should end in a rupture. We mention this as a rumour in circulation but without vouching for its veracity. It certainly is not improbable that Bonaparte should make such a proposition nor even that he should attempt to send his ships by stealth across the Atlantic as we have seen that with all our power of blockade we could not prevent ships from stealing out even before he had so many ports as he possesses at present. " <sup>1</sup>

Four years before this rumour would have been laughed at by "The Morning Chronicle", or disregarded altogether.

Yet even at a late date "The Morning Chronicle" was loth to believe that war would come, and when the Orders in Council were finally repealed it believed that the news, as soon as it reached America, would smooth away all the difficulties between the two nations. <sup>2</sup> These hopes were doomed to disappointment, and when Madison's Declaration became known in this country it was not "The Times" but "The Morning Chronicle" which had the hardest things /

1. "Morning Chronicle", March 8, 1811.  
2. Do. June 25, 1812.



things to say of its authors.

"At length the American government has proceeded to a declaration of war against Great Britain and that at a moment when it might have been expected that their knowledge of events would have disposed them to a more deliberate course. This measure was resolved on after it was known to the government of America that the legislature of Great Britain had agreed to go into a Committee of Inquiry on the Orders in Council and when it might be supposed that the death of the Prime Minister by the hand of an assassin might have produced such a change of councils as would have brought about an amicable settlement of all the subsisting differences between the two countries. It cannot be denied that under the existing circumstances there has been a degree of precipitancy on the part of the United States that is not consistent with the prudential maxims of that representative system; and it must also be admitted that in the enumeration of their grievances there is in Madison's paper a querulous spirit which betrays /

"betrays more of the littleness of the  
lawyer than the enlarged and national indig:  
:nation of a Statesman. " "

1. "Morning Chronicle", July 31, 1812; v. also July  
23, 1812, where under the heading "Remarkable Co:  
:incidences" it prints this list -

" June 17, 1812,

Great Britain rescinded the Orders in  
Council.

The Congress of the U.S. decided on war  
with Great Britain.

June 20, 1812.

The American General Bloomfield from  
the H.Q. at New York announces to the  
troops war against Great Britain.

Bonnaparte from the H.Q. of the French  
Grand Army at Gumbinnon issues his first  
Bulletin and Declaration of War against  
Russia. "

CONCLUSION.

From what has gone before, the difficulty of laying the blame for Britain's policy towards the United States at the door of any particular person or body of men is manifest. The Orders in Council, although they might in some measure have brought relief to the West Indians and to the Shipowners, do not seem to have had anything like a general support from either. In the one case they threatened to endanger the friendship which the West Indians were anxious to maintain with the United States; in the other they encouraged the use of ships other than British or colonial which was a proceeding quite inconsistent with the Shipowners insistence on the Navigation Laws. The only men from whom came a consistent support for the Orders in Council were the lawyers like Stephen and Scott, because they believed in their legality, and the merchant exporters to the Continent like Marryatt and Mellish, because they opened the Continental market. The most constant and determined opposition, on the other hand, came from the manufacturers, and those merchants, particularly the American merchants, whose chief trade was in the export /

export of British manufactured goods. It remains to be seen how these divisions were reproduced in Parliament.

The manufacturing and American export group was poorly represented. Alexander Baring could count on the support of his brother Thomas when it came to a division, but he stood alone as an American merchant. The manufacturing districts of Birmingham, Manchester, the Potteries, the East and West Riding, were devoid of representation except in a very mediate way through county members. Their distress was either disregarded, as /

Manufacturing towns which had no representatives of their own and which sent witnesses to the Committee on the Orders in Council in 1812 included:-

Birmingham, which sent 19 witnesses.				
Leeds,	"	"	7	"
Manchester,	"	"	4	"
Rochdale,	"	"	4	"
Sheffield,	"	"	3	"
Wolverhampton,	"	"	2	"
Kidderminster,	"	"	2	"
Bury,	"	"	2	"
Stoke,	"	"	1	"
Halifax,	"	"	1	"
Walsall,	"	"	1	"
Bolton,	"	"	1	"

i.e. at least 48 witnesses out of a total of 116 came from towns and municipalities which were not directly represented.

v. Porrit "The Unreformed House of Commons" and Parl. Papers 1812 (210) 111.

as by Sir Charles Mordaunt in the case of the Birmingham manufacturers, or their protests misunderstood and discouraged. Thomas Grenville, writing to his brother, said;

" I have just seen Lord Lansdowne who tells me that Lord Fitzwilliam had asked his opinion and was desirous of collecting that of others as to the propriety of his encouraging the growing disposition in Yorkshire to petition against the American war, and Lord Fitzwilliam added that he believed he could turn the scale either way. Lord Lansdowne told me that he had said that for himself he had no hesitation in wishing to discourage all such petitions upon the same ground on which he should have resisted Whitbread's amendment, because petitions of this nature will only serve to make America more impracticable and domineering as to terms of peace. ....

I said all I could to confirm and to strengthen Lord Lansdowne in this view of the subject, which I think the right one, and I shall hold the same language to-day at Lord Milton's where I dine. "

Unfortunately /

<sup>1</sup> v. p.95 above.

<sup>2</sup> Thomas Grenville to Lord Grenville, July 1812. Hist. MSS. Comm. Fortescue X.

Unfortunately some of the petitioners added to their complaints some demand for parliamentary reform. The weavers of Paisley and district added to the Orders in Council as a cause of their distress "the present mode of returning members to the House by such a small part of the population" and stated that "a full, fair and free representation of the people in Parliament is absolutely necessary".<sup>1</sup> There can be little doubt, moreover, that Cobbett's adoption of their cause contributed to limit the aid which otherwise they might have received from many of the more moderate Whigs.<sup>2</sup>

Yet, on the whole, Grenville worked hard for repeal of the Orders in Council, and in Lord Auckland he had an able and energetic helper. In February of 1808 he made a strong plea for impartiality in considering the American dispute, and some days later he moved for a committee to enquire into the Orders in Council. His motion was defeated by 58 votes.<sup>3</sup> Much correspondence passed between him and Auckland on the subject of Anglo-American relations at this time from which /

<sup>1</sup> Hansard, v.XIX, p.1017.

<sup>2</sup> Cobbett took up the cause of the Manufacturers in five letters to the Prince Regent published in his Political Register, vols. XX. and XXI.

<sup>3</sup> Hansard, v.X., pp. 4, 11 & 15, February 1808.

which several points of interest emerge.

They were at one in regarding the dispute as chiefly commercial, and therefore avoided questions like impressment and the right of search. Both were agreed on the importance of the export trade in British manufactures, and both were at a loss to evolve a scheme which would satisfy all their needs, for, while they wished to be friendly with America neither wished to forego any of Britain's maritime rights. Towards the end of 1806 Grenville wrote from Dropmore -

"The American question is one of great uneasiness to me ..... they have taken a more effectual ground of annoying us than if they had like Prussia gone to war with us at once."

A propos of Jefferson's indisposition to admit "our claim to deprive other nations of a trade which we carry on ourselves" - a reference to the entrance of goods from Britain into the ports of the continent - he had written in February;

"As a commercial question the thing admits of no doubt nor can I think that the question of navigation is to be attended to against so many other important considerations."

Similarly /

1 Grenville to Auckland, Sept.6, 1806, Ad.MSS.34,457.

2 " " " Feb.18, 1806. Hist.MSS. Comm.  
Fortescue Vlll.

Similarly Auckland, in November, wrote;

" The entire downfall of the Continental powers makes it more than ever necessary to advert to interests which are merely British ...  
 ..... I feel strongly that in the actual predicament of Europe the extension of our commerce is become the most efficient measure of war. "

Another letter of the same month illustrates his perplexity in effecting such an end.

"Some merchants are applying for licences to send in neutral ships cargoes of British manufactures to the French and Spanish Islands, and to bring back for exportation the produce of these islands. We are legally empowered to grant such licences and the measures would be expedient for the benefit of our manufactures and for the drawing to ourselves an advantage which will otherwise go to the United States. But it may be objected that such an operation tends to give the enemies' colonies all the enjoyments of peace, and, also that it would promote the export of foreign sugars to the Continent of Europe to the disadvantage of our planters /



"planters and merchants. Still I incline to the refusal with much reluctance. Might we not at least offer licences to neutral vessels to carry our manufactures to the French and Spanish islands but not to bring back produce? It is a great and difficult question. "

Insistence on the importance of British manufactures is quite evident in this letter of Auckland's and his view of the effects of importation of colonial goods is similar to that of the Committee of West India Merchants and Planters. Desirous of serving the best interests of both these phases of the national economy he was also unwilling to offend America. The problem was that which Grenville had put to him in an earlier letter;

"how can we ..... for any interest be it ever so great risk even a temporary stoppage of our exports to America? This is a question which with all my aversion to humiliating concessions I feel is very difficult to solve. "

The new ministry solved it by throwing overboard consideration for America, but, they did not realise that in the same moment they threw overboard consideration /

1 Auckland to Grenville, Nov.25, 1806. Hist.MSS.  
Comm. Fortescue VIII.

2 Grenville to Auckland, Sept.6, 1806. Ad.MSS. 34,457.

consideration for their own manufacturers and exporters of British products. In October 1807 Castlereagh wrote to Spencer Perceval,

" The more I have had time to reflect on our future prospects in this war, the more impressed I am with a conviction that neither peace nor independence can be the lot of this nation till we have found the means of making France feel that her new anti-social and anti-commercial system will not avail her against a power that can for its own preservation, and consequently legitimately counteract at sea what she lawlessly inflicts and enforces on shore.

I wish you would turn in your mind whether we are of necessity bound to postpone measures in furtherance of this great purpose, with reference to the American question; or whether even upon the reservation of the late Government, the right of retaliation may not be exercised by us without prejudice to these discussions. The late proceedings in Holland, Portugal etc. seem to create a new era which, if suffered to pass by, may not be easily recoverable in point of impression. Time is the more valuable; as, the sooner we can take up /

"up our ground on this great question the more obvious is our answer to any proposition of negotiation.

The detail of such an arrangement will require much consideration - the general principle is sufficiently obvious. I think it might be so managed as to direct the resentment of the neutrals against the enemy and not against us. "

Had this been accomplished all might have been well, but the United States took immediate exception to the Order in Council of January, 1807. Whether Auckland could have reached a compromise after that date is a moot point. The change of ministry removed the opportunity, and the November Orders in Council imposed a seemingly insuperable barrier to reconciliation. Grenville, Auckland, Holland and many others in the lower House who had foreseen the event immediately settled on these Orders and they became as it were the stalking horse of the opposition - thus was brought into an issue already sufficiently complicated the stultifying influence of party animosities.

Ordinary considerations of party loyalty also played their part, and it was no doubt this which aroused /

aroused in Auckland the feelings of despair which characterise the later letters of 1808. Early in the year he had been hopeful. On the 24th of January he had written to Grenville;

" I feel disposed, if you think it proper, to give notice on Wednesday that I mean to submit to the House on a very early day some considerations respecting the Orders in Council as essentially affecting the commercial and political interests of the empire. I think I have more to say against both the principles and expediency of those orders than can easily be answered; ..... the whole subject is most urgent as well as most important; and, with your aid and concurrence, we cannot fail to show to the public, if not to the Ministers, that the new orders were ill-conceived and have a most dangerous and calamitous tendency. "

Grenville seems to have given his approval, and on the 27th Auckland moved for papers, but the government would not entertain his motion and there was no other course open to him but withdrawal.<sup>4</sup> Auckland did not, however /

<sup>4</sup> Auckland to Grenville 24th Jan. 1808. Hist.MSS. Comm. Fortescue 1X.

<sup>5</sup> Hansard, v.X, p.154.

however, immediately give up hope. He believed that he saw signs among ministers of growing doubts in the efficacy of the Orders in Council and of a willingness to amend them.

"I have been told that the ministers will avail themselves of the obscure and contradictory expressions in the orders to give a more favourable construction respecting the American trade than some of the expressions imply. "

The hope spurred him to greater effort even in the face of Grenville's despondency. But even he began to tire after many repulses, and in May he wrote to Grenville;

" I quite agree with you from a sense of self-conviction, as well as of self-convenience, that no good is to be done by a further attendance in this session. But it appears to me essential, both in consistency and decorum, and indeed also from a due regard to your <sup>numerous friends</sup> and followers, to consider well the manner of closing our campaign; and surely it ought not to be closed by an abrupt and unexplained retreat. .... We are in excellent grounds on that business and /

/ Auckland to Grenville Feb.12, 1808, this section marked "Private". Hist.MSS. Comm. Fortescue LX.

"and I know that the ministers are embarrassed by it. They would have got rid of it if America had gone to war, at present they are in a dilemma; they must either retract an absurd measure in the maintenance of which they are committed, or they must risk its operation with increasing distresses to the trade, manufactures and revenue. "

No doubt there was some foundation for Auckland's belief. The session was nearly ended and early in the next, Bathurst, who was at the Board of Trade, began to make tentative suggestions for reforms in the November Orders in Council. He made the changing situation in Europe the excuse, but at the same time admitted "Lord Auckland's enquiries ..... will not permit the acknowledgement of that intention to be much longer delayed." Canning also expressed his approval of the change, which when it materialised in the new Order in Council of April 1809, had the effect of applying the British restrictions to a smaller area of the coasts of Europe than did the Orders of November 1807. On the 7th of April he wrote to Bathurst,

"I am very desirous indeed of a decision upon  
the /

1 Auckland to Grenville 3rd May, 1808. Hist.MSS.  
Comm. Fortescue 1x.

2 Bathurst to Canning, April 12, 1809. Hist.MSS.Comm.  
Bathurst.

"the Orders in Council ..... and am perfectly ready for it myself, approving of it entirely."<sup>1</sup> But he did not wish to do anything precipitate. Whereas Bathurst was prepared to admit that the relaxation should extend to Holland, Canning was not.<sup>2</sup> He was awaiting reports from Erskine through whom he had made new overtures to America, and in the meantime was watching carefully the tread of politics in that country.<sup>3</sup> At home he did not wish to do anything which might look like yielding for he believed a firm attitude to America's claims to be the only right one. Moreover, for purely diplomatic reasons he did not want to give up too much at once, "the more we give up now the less we have to give for future adjustment."<sup>4</sup>

Yet despite what foreknowledge he had of these matters Auckland had made up his mind by the end of the session that it was useless to continue the struggle. Merchants and manufacturers from Liverpool, Manchester and London had come and had given evidence before /

1 Canning to Bathurst, April 7, 1807. Hist.MSS. Comm. Bathurst.

2 Bathurst to Canning, April 12, and Canning to Bathurst 15, 1809. Hist.MSS. Comm. Bathurst.

3 c.f. Letters of March 25, 1809. Hist.MSS. Comm. Bathurst.

4 Canning to Bathurst, April 15, 1809. Hist.MSS. Comm. Bathurst.

before a Committee of the House, Henry Brougham had  
pled their cause for two hours at the bar of the  
Commons, but yet the prohibitive measures continued,

"The prosperity of the whole country is likely  
to be destroyed by that mad measure of the  
Orders in Council; but nobody cares about it  
and we have discharged a thankless duty."

He was tired of an opposition which fought "without  
system or concert and consequently without effect."

After this date the question lapsed in the  
Upper House. In the Commons during 1808 there had  
been something like a systematic attack led chiefly  
by Lord Henry Petty and Tierney ably supported by  
Baring. Ponsonby lent his support, but he failed to  
give that direction and force to the attack which, as  
leader of the Opposition, his followers were entitled  
to expect from him. Whitbread took up the cause in  
1809, but his well known sympathy with advanced  
political doctrines was not a help. America was  
"popular with him". Grenville, Auckland, Tierney,  
Petty and the majority of their supporters had been  
content to recognise her value as a market, and had  
concentrated /

1 Auckland to Grenville, June 24, 1808. Hist.Mss. Comm.  
Fortescue IX.

2 Auckland to Grenville, May 23, 1808. Do. do.

3 v. speech in Commons Feb.13, 1812. Hansard v.XXI,  
p. 762.



concentrated on the evil effects of the Orders in Council in endangering it.

The final overthrow of the Orders waited till Brougham's second attack in the Spring of 1812. He had been counsel for the northern counties in 1808, but, not being a member of Parliament at that time he had not had the chance to push home the attack. Like Grenville and Auckland he was keenly alive to the ill-effects of losing the American market. In 1806 he had discussed the matter in his "State of the Country", and later, on the northern circuit, he was in close contact with the sufferers there by. He wrote to Viscount Howick in September, 1807,

"The Yorkshiremen are in great anxiety about the American dispute which they say would ruin them. "

He used his pen freely in an endeavour to secure a wider understanding of the problem. From Edinburgh later in the same year he wrote,

" On my arrival here I found Jeffrey very anxious to insert in his next Review proper discussions of the American and other neutral questions. As it is published about the end of this month I think it will produce a very salutary effect if we can manage to deposit there /

! Brougham "Life and Times" v.1, to Howick Sept.13, 1807.

"there all the right views upon the important and little understood subjects. By this means we shall be able, I think, to furnish proper arguments and information to friends in different situations, and various parts of the country, and to give the tone to the press (in so far as it is favourably disposed) better and more conveniently than in any other manner. I have therefore promised to supply Jeffrey (whose own opinions on these subjects are perfectly liberal and enlightened) either with some articles or at any rate with materials for these, and I should be glad to have any suggestions that may occur to you upon these subjects in addition to those which you have already mentioned in the course of conversation."

Accordingly in volume XXI. of the Edinburgh Review he published an article on the subject in which he showed quite clearly that he regarded the Anglo-American dispute as primarily commercial and open to solution by compromise. To discuss at length the right of search and the British claim to dominion of the seas was only to obscure the issue, and, in the course /

1 Brougham "Life and Times" v.1, to Howick from Edinburgh, Oct. 2, 1807.

2 for Brougham's articles v. Aspinall "Brougham and the Whig Party".

course of the article, he examined the legal foundations for both claims with a view to demonstrating that to give them up was to give up nothing. The right of search could never be extended to ships of war and the claim to maritime dominion, when examined, proved to be nothing more than insistence on a salute within the narrow seas. The right to search merchantmen he admitted, but with emendations in practice which would have had the effect of transferring impressment cases to the common law courts where "exemplary damages" might be secured. His views are summarised in a paragraph,

"The claim of searching ships of war must, both in justice and in prudence, be abandoned; ..... it is at once unfounded and unprofitable. The right of searching merchant ships is clearly ours, it is of some value and should be insisted upon in the manner formerly pointed out. It is neither our right nor our interest to destroy the American carrying trade and in our efforts to limit the benefit which our enemies derive from it we should be satisfied with such regulations as may increase the obstacles already thrown in the way of fraudulent transactions, and perhaps augment the expenses of the circuitous voyage. "

In /

In January of 1808 he reviewed the Orders in Council. A pamphlet had just been published entitled "Orders in Council, or an Examination of the Justice, Legality, and Policy of the New System of Commercial Regulations". It was issued anonymously, and Brougham gives no indication that he knew anything of the author: ship. Distinct similarities between the pamphlet and the speech of Lord Henry Petty in the House of Commons on February 5th, 1808, seem, however, to point to him as the author, and the probability is that Brougham knew, though he said nothing of it.

The pamphlet contained three sections. In the first and second the Orders in Council were examined in relation to International Law and Municipal Law, and in both cases found to be without justification. Brougham found both cases satisfactorily proved. The third section contained an examination of the policy of the Orders. The November Orders, it was pointed out, had claimed to be retaliatory. They could, therefore, be justified only by their successful operation as seige measures. On this head the /

¶ He found the measures illegal in terms (1) of Municipal Law, (2) of International, not justified as retaliatory measures either by circumstances or expediency. He cited many precedents the same as those in the pamphlet, e.g. Magna Charta, 9th, 14th and 18th of Edward III. Hansard, v.X, p.314.

the author denied them all claim to merit for so far from counteracting Napoleon's decrees they aided him. Having restricted neutral trade by which British goods could be easily carried to continental or enemy ports,

"it now depends on our enemy by means of our assistance, whether any and what commerce shall be carried on between himself and England. And this we call a blockade of France, which is in truth much liker a blockade of England. "

The reasoning was that of Brougham's own work on the state of the Nation, where he had attempted to show how neutral traffic might be skilfully used to defeat Napoleon's end by providing an outlet for British manufactures, and the conclusion is in harmony with that of the Marquis of Buckingham. Commenting upon the Milan Decree he wrote,

" - it is now beyond a doubt the intention of Bonaparte to close by force all the continental ports against us and from that moment it is certainly our policy to facilitate as far as is possible for us to do with safety the intercourse of neutrals for the purpose of keeping up our exports /

"exports and most certainly his project could not be complete but for our co-operation in blocking by sea what he blocks by land. "

In his fight for the repeal of the Orders in Council Brougham had a useful friend and ally in Alexander Baring. Time and again he refers to him in his letters, and, speaking for himself, on the successful termination of the struggle he says,

"My coadjutor in this successful struggle was Alexander Baring; and no one could have been found more fitted to play the part he did in the controversy; both from his general information, the depth as well as precision of his understanding, and his position as the first merchant in London, indeed in the world - besides his connection with America both by his property and his commerce, and by having married into one of the first families of the United States. "

On March 4th, 1812 he wrote to Mr. Thornely of Liverpool, an American merchant and active opponent of the Orders in Council in that port.

"You will see the account of the debate. I have only seen the Morning Chronicle which is tolerably /

1 Marquis of Buckingham to Lord Grenville, June 3, 1808, Hist.MSS. Comm. Fortescue IX.

2 Brougham, "Life and Times", v.11. p.21.

"tolerably accurate but makes some blunders and omits some material things, particularly my attack on Perceval in reply .....

The House received this attack with particular warmth as well as what I said against an American war ..... Our Division is a good one and by following it up with petitions an American war may be prevented. "

Petitions were not slow to come in, and before the end of the month Brougham had secured the appointment of a committee of the House of Commons to inquire into the trade and state of the country under the Orders in Council. For six weeks he directed its operation with tireless energy and skill. The death of Perceval was not allowed to halt its proceedings. One hundred and nineteen witnesses were examined from twenty nine different towns and districts. In the face of the evidence adduced the government could no longer maintain the measures and in June they were finally repealed. There can be little doubt that discussion in the ranks of the Whigs contributed largely to this long delay in rescinding the Orders in Council. Feeling, moreover, ran high on the American /

<sup>1</sup> Brougham "Life and Times", v.11.

<sup>2</sup> Parl. Papers, 1812 (210) 111.

American dispute. When in 1809 the quarrel of Castle:reagh and Canning weakened the government front and suggestions were tendered for a coalition the Orders in Council constituted one of the impediments.

Grenville wrote;

"I have heard nothing from Canning in the way of junction ..... nor do I feel it possible by any political compromise to seal my own mouth up on the subjects of Antwerp, Spain and America, from which, especially from the latter, Canning cannot extricate himself. "

Brougham expected that repeal would prevent war between Great Britain and America, so also did Whitbread, and these snaguine expectations coloured their approval of the repeal. Auckland was more sceptical,

"I am not edified by the language of our opposition on the revocation of the Orders in Council. It should have been a language, not of praise for what is now extorted by the effect of public distress, but of censure and impeachment for the stupidity and obstinacy of /

: Grenville to Auckland Oct.13, 1809. Add.MSS.34,457.

Hansard



"of the system which caused that distress. "  
 The Marquis of Buckingham, who was as anxious as Auckland to have the dispute with America settled, and who disapproved strongly of the British Orders, wrote to Lord Grenville in August,

"Our consul to Virginia (Hamilton) arrived here in a flag of truce from the Delaware; he says (as does Mr. Foster) that the revocation of the Orders in Council will not prevent the war. " <

It was these fears, no doubt, which prompted Brougham to offer his services to the Government as ambassador to the United States.

"Under the present circumstances I beg to make a tender of my services to His Majesty's government in the conduct of the negotiation with the United States wheresoever the same may be carried on. I am induced to think that I might be of use as a negotiator in this affair, not merely from having had the honour of being employed diplomatically by the late Mr. /

1 Auckland to Grenville, June 7, 1812. Hist.MSS.  
 Comm. Fortescue X.

2 Marquis of Buckingham to Lord Grenville. Aug.23, 1812. Hist.MSS. Comm. Fortescue X.

"Mr. Secretary Fox, but chiefly because from the share which I have accidentally had in the American question, there seems a probability of such an arrangement either facilitating an adjustment in America or, should this unhappily fail, of rendering that failure less unsatisfactory to this country."

The warlike nature of some of the speeches delivered in Congress was well known in this country, but it was also recognised that they emanated from a particular source - the extreme Republicans - and up until the actual outbreak of war the hope was entertained that the saner Federalist opinions would prevail. In some quarters it was prophesied that disruption of the Union would follow a declaration of war.

<sup>1</sup> Brougham to Castlereagh, August 1, 1812. "Correspondence of Castlereagh", v.1, p.119.

<sup>2</sup> v. 'Times', 1810,11,12 passim. Excerpts are from such papers as 'Baltimore Republican', 'Norfolk Ledger', 'National Intelligencer', 'New York Evening Post', etc. etc. The 'Times' had a correspondent in Washington. v. 'Times', Jan. 9, 1805. Cf. also 'Morning Chronicle', 'Courier', 'Edinburgh Advertiser', etc. for these years.

<sup>3</sup> Cf. "Concessions to America", p. 46.

war. Dispatches from the British ministers in Wash:  
 :ington very often contained newspaper cuttings illus:  
 :trating the conflict between Republican and Federalist  
 sympathies.<sup>1</sup> A.J. Foster who succeeded Jackson as  
 British minister in America gave a good view of the  
 political conditions in his reports but offered no  
 definite conclusion.<sup>2</sup> On his return to England, however,  
 he spoke freely. America was set on war, he said,  
 and nothing could prevent it. The Orders in Council  
 were not the cause, neither was impressment. The  
 centre of the war fever was the Canadian border.  
 Similarly Canning discounted the Orders in Council  
 and impressment. He found the real reason for the  
 war in America's desire to possess Canada.<sup>3</sup> In 1808  
 he had received a letter on this subject from a Glas:  
 :gow merchant which he considered of sufficient  
 importance /

<sup>1</sup> J.P. Morier was in the habit of sending these to  
 Wellesley. He sent cuttings from 'National Intelli:  
 :gencer' and from 'Federal Republican', and once a  
 whole pamphlet by "Verus" on the Florida question.  
 v.FO. V. 74.

<sup>2</sup> v. Paxson & Paullin "Guide to London Archives" p.35.  
 Jackson's dispatches are in FO.V. 76,77,84,85,86.

<sup>3</sup> v. Hansard v. XXIV. p.594.

<sup>4</sup> v. Do. do. do.

importance to forward to Castlereagh.<sup>1</sup> He was also disposed to see in the conduct of America the workings of a certain French sympathy, and he admitted that there was some truth in the allegation that she had her eye on European politics when she chose the time for declaring war.<sup>2</sup> Castlereagh also believed that America had shown a distinct partiality for France. Moreover, since 1807 he had been aware of the possibility of American encroachments on Canada and his letters show that he deemed them worthy of serious consideration.<sup>3</sup> /

1 The letter from Mr. Dunlop of Glasgow urges the need for appointing a successor to Sir Jas. Craig, who was in command of the army in Canada, whose health was in a precarious state. It urged that Colonel Brock should be ready to take command in the event of Sir James's death "as I consider that matters with the American government are approaching nearly a crisis and .... that the issue ..... will be war." Canning to Castlereagh, Jan. 4, 1808. "Correspondence of Castlereagh".

2 It had been hinted by Castlereagh earlier in the evening. It received its boldest statement, however, in a pamphlet of 1814; "Just at the moment when Bonaparte was setting out on his invasion of Russia the government of the United States declared war against Great Britain. Mr. Madison did not state in his Manifesto that his hostility against the only ally of Russia was intended as a diversion in favour of Bonaparte..... But if the hopes of assisting France and of conquering Canada did not actuate Mr. Madison it is hard to discover what his motives were. "

The Right & Practice of Impressment etc. 1814.

3 British colonists - particularly in New Brunswick - wrote frequently to Castlereagh in 1807 complaining of American encroachments. v. FO.V.55. Two letters of Castlereagh to Lord Chatham, Dec. 28 and 31, 1807, deal with measures for the defence of Canada. v. "Correspondence of Castlereagh", vol. 8.

consideration.

Lord Liverpool, when news of the Chesapeake-Leopard encounter first came through was not slow to see the issues with which it was fraught;

"How this business will end", he wrote, "it is impossible to say. An American war in addition to all our other difficulties would certainly be an evil at the present moment; but experience has proved that we shall not avoid it by unbecoming concessions, and the loss, if it shall occur, will fall more heavily upon the Americans than upon the people of this country."

He never altered his opinion and, although it was his administration which finally repealed the Orders in Council, it was not with his help. He is found continually defending the justice and policy of the Orders against the attacks of Grenville and others. In 1813 he declared that her declaration of war reflected very badly upon America;

"Although she might have grounds of complaint, although she might have had pressing provocations, yet she ought to have looked to this country as the guardian power to which she was indebted not only for her comforts, not /

"not only for her rank in civilisation, but for her very existence. " <sup>1</sup>

If Alexander Baring found himself almost alone in the House of Commons, and the manufacturing interest almost entirely without direct representation, the reverse was true of those merchants whom we have already encountered as supporters of the Orders in Council. Joseph Marryatt whose activities and interests have already been detailed could be relied upon at all times to support the measures in Parliament.<sup>2</sup> He was a good speaker,<sup>3</sup> and his wealth and the variety of his interests contributed to increase his influence.<sup>4</sup> George Hibbert, a founder president of the West India Dock Company, was an able supporter in the Commons, although on most other subjects he was liberal. His antipathy to the United States was well known.<sup>5</sup> W.D. Gordon, the member for Worcester, was brought up in his uncle's counting house at Cadiz and later /

<sup>1</sup> v. Hansard, v.XXIV. p.575.

<sup>2</sup> v. Hansard, passim.

<sup>3</sup> Phipps "Memoir of R.P. Ward", vol. 1. p. 447.

<sup>4</sup> "of much consideration on the stock exchange and at Lloyds". v. Biog. List of H. of C. elected 1812.

<sup>5</sup> v. p.34 above.

later succeeded to large mercantile concerns there.<sup>1</sup> He was present at the meeting of American Merchants on 10th March, 1808, at the City of London Tavern.<sup>2</sup> Alderman Shaw, of the firm of George and Samuel Douglass, sheriff of London and Middlesex and Lord Mayor in 1806, was also present at that meeting, and opposed the petition the same evening in the House.<sup>3</sup> Charles Bosanquet, whose pamphlets contributed to the struggle outside the House of Commons, had friends in C.S. Lefevre, member for Reading,<sup>4</sup> and William Manning, banker and West India agent who sat for Evesham.<sup>5</sup> The firm of Manning, Anderton and Bosanquet had large interests in West India trade. Manning was also one of the speakers against the petition at the meeting in the London Tavern on March 10, 1808. It was Sir William /

<sup>1</sup> v. Biog. List, 1812.

<sup>2</sup> v. 'Morning Chronicle' 11th March, 1808.

<sup>3</sup> v. Do. do. Hansard v.X.

<sup>4</sup> v. p.40 above and note.

<sup>5</sup> He dedicated his pamphlets to Manning.

All three names appear in the meetings of the Committee of West India Merchants. v. also Joshua Wilson "Biog. List of H.of C. corrected to 1806".

William Curtis, one of the members for London, who questioned the good faith of the petition which emanated from that meeting.<sup>1</sup> Originally a ships chandler, his wealth came chiefly from merchant banking. The firm of Robarts, Curtis, Ware and Company had extensive connections with West India commerce.<sup>2</sup>

William Lushington, another pamphleteer, partner in the banking firm of Boldero, Adey, Lushington and Boldero, Cornhill, also had friends in the House. The member for Great Yarmouth was his nephew, and Stephen Rumbold Lushington was the son of a first cousin.<sup>3</sup>

Sir Charles Price, another London member, and a prominent commercial figure, also opposed the petition against the Orders in Council on the 10th March 1808. His opposition to the American Intercourse Bill had won him the esteem of many shipowners in the City.<sup>4</sup>

He /

<sup>1</sup> v. Hansard, v.X.

<sup>2</sup> v. Abram Robarts in "Biog. List", Joshua Wilson.

<sup>3</sup> v. "Biog. Index to the present House of Commons", Joshua Wilson. Burke's "Peerage and Baronetage".

<sup>4</sup> v. Public Ledger, May 1, 1807.



He made the welfare of the shipping industry his platform for the 1807 election.<sup>1</sup> William Mellish, whose interests and activities have been noticed above, was member for Middlesex. Ebenezer Maitland who, besides his banking business had an interest in the West Indies through his marriage with the daughter of James Fuller of Jamaica, was also a speaker at the City of London Tavern. He was member for Lestwithiel.

There was a large number of men in Parliament with commercial interests, and these tended generally to fall in line with this group and with the government. They belonged chiefly to the class of merchants, shipowners, bankers, but the duplication and reduplication of interests defies classification.

Of /

1 " - to the electors of the Livery of London. As a commercial man I consider the present moment to require a very particular attention to the trading interest in general and the shipping more especially, which cannot in my opinion be perfectly established without returning and adhering most strictly to the Navigation and Colonial system by which this empire has risen to its present unrivalled state of Maritime and Commercial power, and which can alone be preserved by such measures as may prevent the interference of any other nation in our carrying trade. "

Address of Sir Charles Price to the electors. Morning Chronicle, May 2nd, 1807.

2 Biog. List, 1812.

Of the small group, already detailed, which centred round Marryatt as a leader, it can be fairly truly said that their interests lay in the profits of the entrepot, and that consequently they were well served by such measures as the Orders in Council. To opinion based upon such interests, no doubt, the Orders were due, but it was an opinion which extended beyond the boundaries of class; it was not the peculiar attribute of West Indian, or shipowner, or banker. It existed in its strongest form, however, among general merchants retailers, and it is perhaps not unnatural that we should find the most active supporters of the Orders and the fiercest opponents of repeal among merchants like Thomas Wilson and Joseph Marryatt. These men were wealthy and influential, near the seat of government, and, as I have attempted to show, capable of forming a strong group in the House of Commons and of considerable activities outside it.

But commercial interest as a motive and deciding factor may be overstressed. It is difficult to bring into alignment with it such men as Canning and Stephen. The imputation of commercial interest to Stephen I have already dealt with. If any ulterior motive can be justly imputed to him, it is surely a desire for abolition of the slave trade. All the other /

other facts of his life bear it out.<sup>1</sup> Dislike on the part of Canning seems too little a thing on which to hang a charge. He did dislike American manners and politics - but so did Lord Holland.<sup>2</sup> So did all the aristocracy /

<sup>1</sup> Stephen was related by marriage to Wilberforce. Wilberforce wrote numerous letters to Stephen in which the abolition of the slave trade is referred to as "Our great cause" (v. Dec.20, 1804) and often expressed thanks to Stephen for using his pen in its favour. The prevention of the foreign slave trade - after the defeat of the Abolition Bill (March 1805) - was approved by Wilberforce (to Pitt, March 30, 1805) and the method suggested seems to have been a series of Orders in Council (Cf. Letter to Stephen, April 1805, 11, 33). "Wilberforce Correspondence" 1840.

Stephen's next pamphlet of importance after "War in Disguise", "The Dangers of the Country", was chiefly concerned to show the danger to the race of slavery.

<sup>2</sup> Augustus Foster sent no very flattering picture of America to Lady Elizabeth Foster, and in one of her letters to him she says (Jan.18, 1806) "It is the best picture of America I have had ..... Lady Holland inquired a good deal about you last night, and Lord Holland owned he believed your account was a true one. "

"The Two Duchesses", p.266.

aristocracy - Whig or Tory. With some of the bullying and not over polite effusions of Mr. Madison before them, there was perhaps now and then some excuse for a little hauteur.<sup>1</sup> I think we must admit to Stephen the honesty of his convictions, based on his conception of maritime law, and to Canning the good faith of his views on public safety. The heritage, moreover, of the French Revolution is not to be disregarded. Jacobinism was a crime. British ministers at Washington reported French sympathy in American politics.<sup>2</sup> At least one bundle of intercepted dispatches was in the hands of ministers in London.<sup>3</sup>

Stories /

<sup>1</sup> Mahan comments upon the tone of Madison's dispatches "Sea Power in its Relation to the War of 1812" i 233. His correspondence with the British ministers was presented to Parliament cf. Hansard 12 246 et seq. Hansard 13.

<sup>2</sup> J.P. Morier wrote to Wellesley from Washington, 3rd March, 1811, on the subject of the Non-intercourse, "there is no doubt that the ostensible object of this measure is to convince France that they will go any length to please her."

F.O. V.74.

<sup>3</sup> v. F.O.V. 99. Letters and dispatches from Serrurier, French minister at Washington, to the Duc de Cadore and the Duc de Bassano in Paris, during 1811-13. These provide ample evidence of French desire to persuade America to join against Britain. (Cf. letters of Serrurier to Bassano 29/9/11 on the subject of pro-French sympathy in Canada. Letter of Serrurier to Cadore 5/4/11 containing hints for the suspension of the Baltimore - Lisbon - Cadiz grain trade etc. etc.).

Stories of French privateers finding refuge in American ports were current.<sup>1</sup> Canning and Castlereagh knew of all these. In the country generally, belief was widespread in the subjection of the American government to French interests. Even in opposition circles of high standing and judgment it was not absent.<sup>2</sup> America was suspected of designs on Canada. Already many British landholders had suffered as a result of her land grabbing in the Floridas.<sup>3</sup> Against such /

<sup>1</sup> v. Letter of John Stevens (shipowner) to Canning, April 7, 1809, in F.O. V. 66.

A British brig was captured by a French privateer and carried into Charleston in 1811. v. Letter from Lloyds 19/3/11 in F.O. V. 81.

v. also a letter from Barbadoes 28/2/11 complaining of the activities of several large French privateers fitted out in American ports. F.O. V. 81.

<sup>2</sup> On March 26, 1810, Elizabeth, Duchess of Devon wrote to Augustus Foster "what a stroke of policy Buona:parte's marriage seems to be ..... He seems to be quarrelling in earnest with America, but they bear with any insult from him."

"Two Duchesses", p.345.

<sup>3</sup> v. A memorial from Charles Shaw on behalf of himself and "others of His Majesty's Subjects, Proprietors of land in His Majesty's late Dominion of West Florida". He had acted as chairman for these men at a meeting held in the Carolina Coffee House, 15th Decr. 1807. The full rights to the lands in question was guaranteed by Act of Congress of 27th March, 1804, but had since been virtually rescinded by an Act of March 2, 1805. The land extended to 400,000 or 500,000 acres. Addressed to Canning 15th Decr., 1807 in F.O. V. 55.

such a background of opinion, both in and out of Parliament, the patience of Canning and the British ministers generally becomes a fitter subject for comment than their curt replies or occasional lapses into caustic wit.

In February of 1813 an interesting debate took place in the House of Commons. Castlereagh in an address to the House defended the conduct of the government in the American dispute. He regretted the war but declared that there was no alternative. Ponsonby, leader of the Opposition, while he criticised some minor points of the address, and reminded the House of his long opposition to the Orders in Council, lent his support to the noble Lord "since the war was not of our making". Similarly Whitbread, the most vehement advocate of the American cause, declared himself in sympathy with the aim of the address and stated as a justification for his change of front that America's declaration of war "had put her in the wrong". Even Baring supported Castlereagh. Indeed as the war dragged on the Whigs became the sharpest critics of the tactical errors and insufficiency of the British forces in America.

There /

/ v. Hansard, v.XXIV.

2 v. Do. v. XXIX; XXX. Cf. also "Correspondence of Francis Horner", II, p.225.

There can be little doubt that the War of 1812 did not help to secure a more sympathetic understanding of America in this country. In 1814 a pamphlet on Anglo-American relations revived again the old theme of Franco-American intrigue.<sup>1</sup> Futile attempts to rescue Napoleon gave another fillip to this old suspicion in 1816.<sup>2</sup> To the years which followed belong the books of travel. Many of these were the reverse of flattering, and were bitterly resented by Americans.<sup>3</sup> The "Quarterly Review", which in 1809 could write;

"There is a sacred bond between us of blood and language which no circumstance can break."<sup>4</sup> in 1814, discussing the subject of peace with Madison made it clear that America should be treated like any other foreign nation,

" - in his case also it must be to the terms of the treaty that we must look for our security against another Canadian war; trusting little after past experience to mawkish expressions /

<sup>1</sup> "The Right and Practice of Impressment as Concerning Great Britain and America considered."

<sup>2</sup> J. Holland-Rose "Life of Napoleon", also in Owens College Historical Essays. Cf. also letter of Croker to Peel Aug. 16. Croker Papers

<sup>3</sup> "The Americans" by "An American" 1833 constitutes a reply to such works as Mrs. Trollope's "Domestic Manners of the Americans" 1832.

<sup>4</sup> Quarterly Review v 2 p 337

"expressions of general philanthropy, or to  
fond theories of elective attraction; little  
to kindness and nothing at all to kin." /

Truly the War of 1812 had put America "in  
the wrong".

/ Quarterly Review v. 10 p. 539.



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These are on the whole disappointing. Mem:  
bers of the government do not seem to have felt the  
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ence of Grenville and Auckland on the subject - with  
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Foreign Policy of the United States.  
R.G. Adams.

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## APPENDIX.

"War in Disguise", an anti-slave trade pamphlet.

Wilberforce and his friends, as a first step to abolition, sought to prevent the importation of negroes into foreign settlements conquered during the war and temporarily held by Britain. In 1805 they succeeded in having an Order in Council issued to this effect .

"Thus for the time the Trade was greatly checked. The old islands were the only markets for our own ships; whilst the colonies of Holland, France and Spain could only be supplied under the neutral colours of America." It was to close this channel of the slave trade that Stephen wrote his pamphlet and thus, "The 'Orders in Council' were by a curious connexion the off-spring of this Trade. Mr. Stephen, aiming only at its suppression, published a masterly pamphlet (War in Disguise) upon the rights of neutral powers. Fearing, if he mentioned the Slave Trade, that the effect of his arguments might be diminished by a suspicion of his motives, he confined himself entirely to the general question, and from the abstract principles he was thus led to lay down, the celebrated Orders were subsequently drawn."

"Life of William Wilberforce", vol.111, pp. 43, 234, and note.

